



**North
Herts**
Council

Arrangements for carrying out Public Health Funerals

Introduction

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.

If you are concerned about how you are going to pay for the funeral, it is important that you discuss this with your chosen Funeral Director at an early stage in the arrangements as they may be able to offer an instalment arrangement. Please be aware that once you have entered into a contract with the funeral director you will be responsible for paying their costs.

When The Council is asked to undertake the funeral by next of kin, The Council will ask if the next of kin is in receipt of benefits. If the next of kin is in receipt of benefits they may be entitled to help from the Social Fund administered by the Department of Work and Pensions. Any person enquiring about help with funeral costs will first be directed to 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/Beleaved/DG_10018660

Public Health Funerals

North Hertfordshire District Council (The 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. This responsibility is placed on The Council by S46 of the Public Health (Control of Diseases) Act 1984. S46 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).

If the deceased died outside of the North Hertfordshire District Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived within North Hertfordshire District boundaries.

North Hertfordshire District 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.

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.

If there is nobody willing or able to make the funeral arrangements, the case may be referred to North Hertfordshire District Council, who will then be responsible for making the arrangements.

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.

Once The Council has accepted a case details of the deceased will be entered onto the register of public health funerals on The Council's web site and the Environmental Health team will deal with all aspects of the organisation of a funeral. This includes registering the death, dealing with the funeral directors to make the arrangements, and paying for the funeral. Where The Council will be arranging the funeral this will be the most economical funeral available. Any requests received from relatives or other interested parties incurring additional costs will not be granted. The Council will not part fund the funeral and will only arrange a basic funeral with no discretionary items, for example, flowers and grave markers will not be provided. The Council will not accept contributions for additional items at the funeral.

A burial in a common grave with a graveside service will normally be held in Wilbury Hills Cemetery Letchworth, unless it is established that the deceased would have chosen cremation for religious, cultural or personal reasons, or if a check of the Council's burial records reveals that the deceased owned a grave elsewhere within the North Hertfordshire boundary and there is room for them to be interred within it.

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 Cemetery in a hearse, and sufficient bearers to transfer the coffin to the grave. The funeral director will also arrange for a minister of religion or a representative of the faith of the deceased to carry out a short graveside service. If a non-religious service is appropriate, a civil funeral celebrant will be used. 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.

The Council is not legally obliged to comply with the requests of any will, however, where the deceased has made a will, requesting a cremation this will be considered where sufficient funds are available in the estate to cover these costs where they are greater than the costs for a burial. Where there is no will The Council will not take into account any verbal wishes from family or other interested parties.

Property Search

Prior to making the funeral arrangements, the Environment Health team will search the last known address of the deceased. The purpose of the visit is to search the property to:

- Locate a will
- Find information about possible relatives- who may wish to arrange the funeral
- Find anything of value in the property that may be sold to off set funeral costs
- Find information about bank accounts and savings.

The search will be conducted by two officers of the council, and a written record will be made of each item removed from the property.

Where any family members cannot be immediately found any personal effects (non monetary value e.g. photographs) removed from the property will be retained under secure conditions at the Council offices for 12 months following the funeral. After 12 months these items will be disposed of.

Next of kin or other interested parties must not enter the deceased property until the search has been carried out. Where the next of kin wish to be present at the search of the property, they must be accompanied by officers from the council at all times. The Council will not allow other interested parties to be present during a search.

Where a will is found, the details will be passed to the executor of the will and no further action is taken by the council. The Environmental Health Team is 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. 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.

Executors of a Will

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. 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.

Estate Administration

North Hertfordshire District Council are entitled to recover their costs when making funeral arrangements under Section 46 of the Public Health (Control of Diseases) Act 1984. 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. Where there are known family 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.

Death in a Hospital

If the deceased died as an in-patient in a hospital managed by an NHS Trust and there are no relatives, traditionally the NHS Trust assumed responsibility for the funeral arrangements and recovered their expenses from the deceased's estate. However, following guidance published by the Department of Health in 2005 this responsibility is passed to the local authority in whose area the hospital is situated. There are no large hospitals within the North Hertfordshire District area but in cases where a North Hertfordshire resident dies during transportation to hospital or while undergoing emergency treatment at the hospital and there is no one willing or able to carry out the funeral arrangements North Hertfordshire District Council will take on this responsibility.