



**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. This Policy clearly sets out the help offered to those needing this guidance and assistance, what will be provided by North Herts Council (the Council), and equally important, what cannot.

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, including the funeral.

When North Herts Council (the Council) is asked to undertake the funeral by a next of kin, the Council will ask if the next of kin is in receipt of benefits. If so, they may be entitled to a funeral expenses' payment administered by the Department of Work and Pensions. Any person enquiring about help with funeral costs will first be directed to the Government web site (see below) where there are details on how to make a claim.

Further information about Funeral Payments, including an application form, can be found on the Direct Gov website at: [Get help with funeral costs \(Funeral Expenses Payment\): How it works - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/get-help-with-funeral-costs)

Public Health Funerals

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, no prior funeral arrangements are in place, and they haven't left a will. This responsibility is placed on the Council by section 46 of the Public Health (Control of Diseases) Act 1984 (the Act). This section 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 Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived within North Hertfordshire.

The Council will not be able to become 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 the Council, who will then be responsible for making the arrangements. The Council can be contacted via the Council's [Public health funerals](#) website.

If we are able to identify a family or surviving relative of the deceased, 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 this is possible. 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 been notified of a case, details of the deceased are currently entered onto the register of public health funerals on the Council's web site. Although the Council currently discloses this information, doing so is not mandatory and the Council has the discretion to remove the register from the website should we feel this to be more appropriate. The information on the register is the maximum extent of the information that the Council provide regarding a case, and we cannot give advice regarding the deceased's estate.

Following investigation, if the case remains with the Council, 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 arrange 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 funeral will be a burial in a common grave with a graveside service. It will normally be held in Wilbury Hills Cemetery Letchworth, unless it is established beyond reasonable doubt 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 is not legally obliged to comply with the requests of any will, however, where the deceased has made a will, requesting cremation, this will be considered where sufficient funds are available in the estate to cover these costs. Where there is no will, the Council will not consider any verbal wishes from family or other interested parties.

Except in the circumstances stated above, the funeral offered by the Council will not include a cremation.

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.

Due to the requirements of the Act, any funeral being undertaken by the Council will take place within a reasonable time and as soon as it can practicably be arranged.

Property Search

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

- Look for and 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 offset funeral costs
- Find information about bank accounts and savings which may contribute to the costs of the funeral.

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

Where family members cannot be immediately found any personal effects (non-monetary value e.g., photographs or correspondence) removed from the property will be retained under secure conditions at the Council offices for up to 24 months following the funeral. If after 24 months these items are not retrieved, they will be disposed of.

Next of kin or other interested parties must not enter the deceased property until the search has been carried out to the satisfaction of the Environmental Health service. 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 will be taken by the Council. That is, it will be assumed that the funeral will be undertaken in accordance with the will, unless the executor wishes to revoke these duties, see below. The Environmental Health service is not responsible for clearing or cleaning the property. Following the completion of the search, the property will be secured, and, in the case of a rented property, the keys returned to the Landlord. If the property was owned by the deceased, and no next of kin have been located, the case will be referred to the [Government Legal Department](#) and their instructions regarding the property will be followed. In such cases the keys to the property will be securely stored at the Council offices until requested by officers of the Government Legal Department.

Executors of a Will

The Council cannot make funeral arrangements where the deceased left a will and the executor is traced; in these circumstances the executor would be expected to organize 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. Details regarding the process of renunciation and how to apply can be found here [Form PA15: Give up probate executor rights - GOV.UK \(www.gov.uk\)](#).

Efforts to find next of kin

The Council will make reasonable efforts to find next of kin, but this must be balanced against the need to arrange the funeral in a timely fashion. Locating next of kin will allow the Council to inform them that their relative has passed away and to provide them with an opportunity to arrange the funeral. The steps taken may include but may not be limited to, making details of the deceased available to various heir hunters via the Council's website, using correspondence found during the property search, or speaking to friends and neighbors of the deceased. Where next of kin are found and express a wish to carry out the funeral this must be completed within a reasonable time as not to be to the detriment of public health.

Estate Administration

The Council are entitled to recover their costs when making funeral arrangements under Section 46 of the Act. They are not, however, empowered to administer the estate. Where the Council has reason to believe that there will be a surplus of over £500.00 in the estate once all costs incurred in making the funeral arrangements have been reimbursed, the Council will refer the case to the Government Legal Department under the Bona Vacantia provisions. Where there are known family members, the case cannot be referred to the Government Legal Department.

Under such circumstances, the Council will hold any items removed during the property search for up to 24 months or until a legally entitled person demonstrates their suitability to administer the estate through the holding of Letters of Administration obtained from the Courts. Under no circumstances will property or correspondence from the estate be given to any family member or their representative without this proper lawful authority. Any items removed by officers of the Council during the property search will be held for a period of up to 24 months from the date of the funeral.

In the event that we are contacted by a relative seeking information about any property or correspondence of the deceased and we hold information about the identity of the administrator(s) of the deceased's estate, we will pass on the relevant individual's details to the administrator(s) and that will be the extent of our duty unless we are contacted by a relative's legal representatives who are able to justify a legal basis for the release of the information or documents sought.

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 local hospital and there is no one willing or able to carry out the funeral arrangements the Council will take on this responsibility.

Governance

This policy sets out how the Council meets its obligations under the Act. This policy will be reviewed periodically to ensure that it fully meets the requirements of the law. Reviews will be undertaken by the senior officers of Environmental Health and where amendments are required, and in accordance with the provisions of the Council's Constitution, the decision to authorize a revised policy will be delegated to the Director – Regulator in consultation with the Executive Member for Regulatory, with the decision being recorded as a Delegated Decision in due course.