



Public Health Funerals

Public Health (Control of Diseases) Act 1984 section 46

Introduction

A Public Health Funeral, also known as an Environmental Funeral is a funeral arranged under the Public Health (Control of Diseases) Act 1984 section 46. This act places a statutory obligation on local authorities to make funeral arrangements for those who die without anybody willing or able to make the arrangements. Although this is a statutory duty, authorities must ensure that the funeral service is appropriate and indistinguishable from any other treating such cases with the utmost dignity and respect.

The Law

46 Burial and Cremation

- 1) It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority
- 2) Any council which is the local authority for the purposes of the Local Authority Social Services Act 1970 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under part III of the National Assistance Act 1948 by, or by arrangement with, the council or was living in a hostel provided by the council under section 29 of the act
- 3) An authority shall not cause a body to be cremated under subsection 1 or 2 above where they have reason to believe that cremation would be contrary to the wishes of the deceased
- 4) Subsections 1 and 2 above do not affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.
- 5) An authority may recover from the estate of the deceased person of from any person who for the purposes of the National Assistance Act 1948 was liable to maintain the deceased person immediately before his death expenses incurred under subsection 1 or subsection 2 above (the second part of this statement has been replaced by the Social Security Act 1986)



- 6) Without prejudice to any other method of recovery, a sum due to an authority under subsection 5 above is recoverable summarily as a civil debt by proceedings brought within three years after the sum becomes due
- 7) The Secretary of State may cause such inquiries to be held as he may deem necessary or desirable for the purposes of this section
- 8) The Secretary of State may by order made by statutory instrument direct that this section, in its application to the Isles of Scilly, shall have effect subject to exceptions, adaptations and modifications.

The main paragraphs to note are 1, 3 and 5, i.e. that the local authority **must** make arrangements for the funerals of people who die or are found dead in their area where no other arrangements are being made; that a body shouldn't be cremated if it is likely to be contrary to the wishes of the deceased, and that a local authority can recover their expenses from the estate of the deceased. The law is relatively simple, giving much scope for interpretation as to how the service should actually be carried out.

Referral of Cases

Referrals may come from a variety of sources, including (but not limited too) the Coroners Office, Police, Hospitals, Nursing, Residential or Care Homes, Family or Friends and Funeral Directors. See Appendix 1 - Form One Initial Referral Sheet (regardless of who the referral is from it is good practice to fill out this form and gather as much information as possible about the deceased)

Family

Families will normally have contacted the Local Authority because they believe that they will be unable to afford to make the funeral arrangements. When a family approaches the appointed officer it is important that they are treated with sympathy and respect, and given the factual information. It is important that any officers appointed to deal with Public Health Funerals are suitably trained in bereavement issues.

The Officer should make subtle enquiry as to whether a next of kin is receiving any benefit, in which case they may be entitled to help from the Social Fund. The family should be advised to visit the website www.jobcentreplus.gov.uk or telephone **0845 6036967** which gives information about the type of help available and who is eligible. The benefit status of the deceased is not relevant, only that of the person making the arrangements. The Officer could also forward a copy of the booklet 'What to do after a Death in England or Wales', published by the department for Work and Pensions (available at www.dwp.gov.uk/docs/dwp1027.pdf), which also gives useful information. If the Officer feels it necessary, the family should be advised to contact the Bereavement Advice Centre (www.bereavementadvice.org or **0800 634 9494**), who can offer impartial advice about how best to proceed. If none of the family are entitled to benefits and are



stating that they cannot afford or are not willing to make the funeral arrangements, it will be necessary to explain to them that the authority can make the funeral arrangements, but that their involvement will be limited and that the authority has first claim on the deceased estate.

It is also good practice to explain fully to the family what will actually happen, including a search of the property to recover any relevant paperwork, money or goods that can be sold to offset the funeral costs.

If after a full explanation, the family is still requesting that the authority take on the funeral arrangements, it will be necessary to send them a Next of Kin Consent form. See Appendix 1 - Form Two. This form records the consent of the next of kin for the local authority to make the funeral arrangements, and signifies an understanding that the authority thus has first claim on any estate (although the form is not a legal requirement, it is good practice to gain the next of kin's consent in writing to prevent any future comeback from other family members - should the family be unwilling to give written consent this should be recorded in the case file, and the funeral arrangements made.

The Coroner's Office or Police

Many cases referred from the Coroner's Office or Police often will have conducted a rudimentary search of the property to locate any next of kin, and they may have discovered a will or other useful documents. They should have removed any cash and other portable valuables (e.g. jewellery) and secured the property. The authority may have to make arrangements to collect any paperwork and possessions from the Coroner's Office or Police Station. It is good practice to contact the Police Case Officer to obtain a case number and any other information they are able to pass on. When any paperwork and property is handed over, a receipt for such goods will be issued, this should be retained in the case file. It is essential that a good relationship is established with the local Coroner's Officers and Police Property Officers. Often they can be called upon to offer further help with tracing family, and have powers relating to property and discerning information that are not readily available to local authority officers. In many of the cases referred by the Coroner's Office it is usually already been established that no suitable funeral arrangements will be made by family or friends.

Residential Nursing or Care Homes

Referrals from Residential, Nursing or Care Homes usually come via the home where the deceased had been a resident, and no sum of money has been retained for Funeral Expenses, and there are no relatives or friends willing or able to make the arrangements. The Manager or Home Owner may refer the case to the local authority. It is vital that the informant is told that they must not take any possessions from the deceased room or use any sums of money being held for the deceased to pay any outstanding debts to the home - the first call on any estate is the funeral costs, therefore, outstanding rent etc can be claimed from the estate once the funeral costs have been cleared.



The informant should also be asked to gather pension books and other documents such as a will and hold them until an officer can visit the home.

NB – one main concern is the removal of the deceased from the home, if the death is unexpected it will be referred to the Coroner who will make arrangements for the removal by their contracted funeral director. If the death is expected and does not need to be referred to the Coroner, the home should be advised that they can contact the Council's contracted Public Health Funeral Directors if it established no other funeral arrangements will be made by family, friends or the home itself. It is good practice to write to the main homes in a local authority's area with advice on what to do when a resident dies without means or family, including the name and contact details of the contracted Funeral Director, and the name and contact details of the authority's Public Health Funerals Officer.

Hospital

Hospitals may refer cases to the local authority where there are relatives who are able but unwilling to pay for the funeral arrangements, also if there are relatives who do not have the funds to pay for the funeral arrangements. The referral will normally be made by a Bereavement Officer or similar, and they may have already established useful details. The Hospital Officer should be instructed not to release any of the deceased's property to any family or friends, and arrangements should be made to collect them at the earliest opportunity. A receipt for anything collected will be given by the hospital and should be retained as part of the case file. See Appendix 1 - Form Three. This form should be filled in by the Bereavement Officer at the Hospital where the death occurred

Funeral Directors

On occasions a Funeral Director may make a referral, usually this is because a family may start the arrangements of a funeral and realise they do not have the funding to pay for the funeral. It is good practice to get the Funeral Director to pass on the authority's Public Health Officer's contact name and details, and get the family to refer the case.

Opening a Case File

From the initial referral, details should be recorded so that a decision can be made as to whether or not to progress with a case. An initial referral form (See Appendix 1 - Form One and Form Four) should be used with as much information recorded as possible, it is also important to record why the case has been referred (e.g. no family, family unable to pay for a funeral, family unwilling to pay for a funeral, family unable to get help for the DWP etc). At this stage as much information must be recorded about the deceased, for example the address of the property where the deceased lived (if relevant) together with the details of the landlords or if the Property is owned by the deceased.



The deceased GP details and any names and contact details of people who want to attend the funeral, plus any information required to determine if the case will be progressed

At this stage a Time and Expenses form (See Appendix One - Form Five) should be started. This is used to record officer time spent on the case, together with any travelling and other costs such as funeral cost, the purchase of the death certificates, postage and telephone calls etc. The form should also record any estate recovered to offset these expenses. The authority is legally entitled to recover their expenses from the deceased person (see Public Health (Control of Disease) Act 1984 section 46). The Treasury Solicitor, to whom solvent estates should be referred (see estates below), accepts that reasonable expenses can be claimed from the estate for making the funeral arrangements and have agreed a fixed fee with some authorities. The Treasury Solicitor expects a reasonable cost of a funeral by cremation to be £2,000.00 and that of a burial around £4,000.00. In cases where it appears that these costs may be exceeded but there is an estate to cover them, early reference to the Treasury Solicitor is advised. Some local authorities have a set fee for their time and expenses Nottingham City Council has two set fees (See Appendix 1 - Form Six).

The law gives no firm indication of what can actually be recovered , other than 'expenses incurred'. Local Authorities are under an obligation to provide value for money, and are not permitted to spend public money on private concerns, therefore 'expenses incurred' should be interpreted as relating to all costs involved in making the arrangements.

It is recommended that the authorities give due consideration to adopting a policy of full recovery of all expenses incurred in making funeral arrangements under the terms of section 46 of the Public Health (Control of Disease) Act 1984 wherever possible. It is also advised that all costs are recorded and accounted for, even when it is not possible to recover any costs. Proper recording of costs and debt recovery will enable the authority to build up a true picture of what it is costing to provide this statutory service.

In some cases it will be possible to ascertain from the initial enquiry whether or not the authority is able to accept the case and continue with making the funeral arrangements. For example, if a Coroner's Officer refers the death of a homeless person with no property and no relatives, there are no further enquires that the authority can make. If there is a property to search the informant should be told that the authority will make further investigations before consenting to make the funeral arrangements, as the search of the property may reveal a will, or the details of any relatives or friends who may be willing to make the funeral arrangements. In cases where the authority is to make the Funeral arrangements, a record of decision and authorisation form (See Appendix 1 - Form Four) should be completed by the Case Officer to demonstrate why the case has been accepted. This form should be retained as a part of the case files.



Case Register

In order to capture the authority's own statistics, as well as providing details for any future enquires from family or friends, national surveys or Freedom of Information requests, it is recommended that a case register is established. This could be in the form of a computerised spreadsheet (for example Microsoft Excel), it is also recommended that a numbering system is established. The local Government Association tend to ask for data relating to the financial year, but the Freedom of information requests normally ask for a calendar year, one advantage of using a spreadsheet is that the it is relatively easy to ascertain both sets of data.

The case register should be updated as the case progresses, and should contain as a minimum the following headings:

- Case number
- Date of Referral – the date the case was first referred to the authority
- Receiving Officer – the name of the person taking the initial referral
- Informant Name – the name of the person making the initial referral
- Informant type – e.g. Coroners Officer, Police Officer, Nursing Home Manager, Next of Kin etc
- Name of the Deceased
- Age of the Deceased
- Sex of the Deceased
- Address of the Deceased
- Place of Death
- Reason for Referral – e.g. no Family, Family Unable, Family Unwilling etc
- Funeral Arranged – yes or no (some cases will be passed on to family or an executor following a property search)
- Reason or Decision to be declined – e.g. Family or Executor took over
- Date of Funeral
- Burial or Cremation
- Disposal of Cremated Remains – the location where the remains are scattered or the person whom they were released.
- Value of the Estate- the estimated value of any property and possessions
- Referred to Treasury Solicitor – yes or no
- Expenses incurred – the total cost of the case including officer time & travel, funeral expenses and any other costs such as death certificates, postage etc
- Expenses recovered – the total amount of any expenses recovered from the estate of the deceased
- Net total – the amount of expenses accrued minus the expenses recovered
- Case closed – once all details of the case have been dealt with and there is no further action required on the part of the authority, the case can be closed and the date of closure entered on the case register

The case register provides an easily accessible summary of information per case, and an ongoing record of the cases carried out each year.



Preparing to Search a Property

When a case is referred it is important to ascertain from the informant as much detail as possible about the circumstances relating to the property. In cases referred by a Residential or Care Home, arrangements should be made with the Home Owner or Manager to search the deceased's room as soon as possible. Such rooms are normally clean and tidy with few possessions other than clothes and some personal papers and trinkets to search through. In some cases the rooms may be shared with another person, so arrangements should be made with the Home Owner or Manager to ensure that the other person is not present during the search. In some cases the Home Owner or Manager may clear the room before you can arrange a search, in such cases you must stress that you will need to collect any personal paperwork and anything of any value that could offset the funeral costs.

Where a case is referred by family, the Coroner's Office, Police or a hospital, it may be that the deceased lived in rented accommodation, either through a private landlord, a local authority or a housing association. Alternatively the deceased may have owned their own property.

In these cases it is important to ascertain what state the property is in, and if there are any hazards or other circumstances that the Case Officer needs to be aware of. Some of the properties may be in a very dirty state, with bags of rubbish piled up and rotting food in fridges and cupboards. It is possible that the deceased may have been dead for some time before being discovered, therefore there may be unpleasant stains and smells. It is also possible that there could be maggots and flies in the property. If the deceased was a drug user there may be drug paraphernalia lying around, which could cause an injury to anybody searching the property. In some circumstances there may be pets still in the property, although commonly the Coroner's Officer or Police will have made arrangements to have any pets taken into the care of the RSPCA or similar.

Officers also need to be aware that they may discover items and materials that could be sensitive and possibly cause offence, such as pornographic literature and items used in sexual acts. A Coroner's Officer or Police Officer should be in a position to warn the Case Officer of any such likely material.

In some cases the electricity to the property may have been disconnected and there may be no lighting inside. If electricity has been disconnected there will be a higher risk of rotting food in a fridge or freezer. Also there is a greater risk of trips or falls so ensure Officers have a torch and open all curtains to let in as much natural light as possible.

It is important to ask the informant the following:

- Where the deceased lived
- Whether this was rented or was owned by the deceased
- Whether anybody else lives in the property
- If it was rented, the contact details for the landlord



- If owned, who has the keys
- How access to the property was initially gained and if it has since been secured
- What the conditions are like inside the property
- If there is electricity and lighting within the property
- If there are any pets still in the property e.g. fish in tanks or birds in cages etc
- If there are any particular hazards such as drug paraphernalia, urine, faeces or unpleasant smells etc
- If there are any particularly sensitive items in the property
- If there is anything else the Officer should be aware of prior to entering the property
- Where any keys for the property should be handed in to, once all necessary searches have been completed by the Officer (See Appendix 1 - Form Seven)

Once the information has been gathered, it will be possible to carry out a risk assessment relating to the search (See Appendix 1 - Form Eight). This can be used for most cases, but should be amended to reflect specific circumstances relating to the property or the Officers carrying out the search.

One of the outcomes of the risk assessment is to ensure that personal protective equipment and other items are taken to the property to ensure the search is carried out safely, it is a good idea to keep a search kit ready at all times.

The search kit should contain all the items that may be necessary in conducting a search, ideally in an easily accessible and portable covered box. The box should contain as a minimum the following:

- Digital Camera
- Sufficient PPE (e.g. latex Gloves, Face Masks, Disposable Shoe Covers, All in One Full Body Protective Suits) for the number of officers attending
- First Aid Kit
- Refuse Bags, Clinical Waste Bags, Sharp Boxes
- Plastic bags for storing recovered paperwork and property, including small grip bags for jewellery coins etc
- Notepad and Pen
- At least two torches (plus batteries)
- Flea and Fly Spray
- Hand Cleaning / Gel Wipes
- Air Freshener
- Bottled Water
- Supply of business cards with details of the Case Officer (to be handed to neighbours etc)

It is possible that on occasions a relative or friend of the deceased may wish to be present during the property search. It will be necessary to explain to them that they



may witness the search, but will not be able to remove any items from the property without the express permission of the Case Officer.

Prior to leaving the office to conduct the search, the Officers should ensure that colleagues are aware of the address they are searching and how long they are likely to be. Officers should carry a mobile phone with them, and if they are likely to go beyond their estimated time of return should ring to let their colleagues know. If the Officers don't return at the estimated time and having not rung in, colleagues should try and ring the mobile phone. If the Officers cannot be contacted, the matter should be referred to a Senior Manager immediately for a decision on how best to proceed.

Conducting the Search

Section 61(1) (d) of the Public Health (Control of Disease) Act 1984 gives Officers the right to enter a property to conduct search, provided that a 24 hour notice of the intended entry has been given to the occupier. In most cases it will not be necessary to issue such a notice, but there may be cases where the property is occupied and the occupier is refusing entry. Officers may also seek a warrant from a Justice of the Peace giving authorisation for entry and a search.

A Safe System of Work

A framework should be drawn up for conducting property searches, see example risk assessment and safe system of work (Appendix 1 - Form Nine). However, the framework will need to be adapted for each individual case to take account of the range of different property types and conditions that will be encountered. These will range from clean and tidy rooms in Residential or Care Homes with few possessions to search, to large houses with many rooms and sheds or a garage. Conditions will range from the very clean to the very dirty with the incumbent smells that that entails. Rooms may be tidy and free of clutter, or they may be stacked to the ceiling with newspapers and other rubbish. The pre search enquires should give Officers an indication of what will be encountered so that they can be physically and emotionally ready.

In all cases it is recommended that a minimum of 2 authority Officers attend a property to conduct a search. This will help to counter any claims of impropriety against an Officer, and also offers protection should one Officer have an accident at the property or be faced with angry family or friends. If 2 officers are not able to attend, arrangements should be made to meet a Coroner's Officer or Police Officer at the property so they can act as the second person. In no circumstances should a property be entered by a lone officer. In the case of a Residential or Nursing Home, a Senior Manager of the Home can act as the second person.

It is recommended that a photograph is taken of the exterior of the property, with close ups of the main door, especially if the entry has previously been forced by the Police. It is also good practice to inform any neighbours that you will be conducting



a search of the property, and ask them for any information relating to the deceased and any possible relatives.

Once entry has been gained, an assessment of the conditions should be made. It is possible that there may be no electricity, in which case torches will need to be used. Officers will need to be aware of any potential hazards on the floor, such as urine and faeces, and, where the conditions call for it, put on protective clothing before starting the search. Some properties may contain stacks of old newspapers, or moulds of rubbish, which could topple, so care will need to be exercised. If it is necessary to move furniture or bulky items to gain access to a room, correct manual handling techniques must be employed.

It is recommended that each room is photographed prior to being searched, and any items of potential value such as paintings or antiques are photographed in situ before being removed (if appropriate). It is also useful to keep notes on features in each room, which may be helpful if a return visit is necessary, or the case is to be referred to the Treasury Solicitor. (Discussed under The Estate)

Mail will probably have continued to be delivered to the property, so it is worth checking the threshold and retaining any recent mail that may be helpful with making further enquires. This may include bank statements, utility bills and benefits correspondence etc.

Once each room has been assessed, a plan for the search should be formed, ensuring that both Officers work together in each room throughout the search. The main items that are being searched for include a will; contact details for any family or friends (often contained in an address book or diary); bank / building society details; pension details; benefit details; identification documents such as a passport, driving licence; NHS card etc and any cash, or

Valuables that may be sold to offset the costs of the funeral arrangements. In some cases personal paperwork etc will be kept tidily together, but in others they may be dispersed throughout the property and appear in the most unexpected of places.

It is vital that, whatever the state of the property, the Officers remain non-judgmental and respectful throughout the search. If drawers are emptied to facilitate searching, items should be replaced and not left on the floor or another surface. Whilst it is not the Officer's role to "tidy up" the property, it may be necessary to put rubbish in refuse bags as the search progresses. Once full, any such bags should be sealed and left in the property. Clinical waste bags and sharps boxes should be used for any refuse that is a potential health hazard, and these should be removed at the end of the search and disposed of according to the Council's own arrangements.

If possible every room should be searched, and every cupboard, wardrobe, drawer, and box etc should be checked. Often money and documents can be found in coat pockets hanging up in wardrobes, and in some cases large quantities of cash may be discovered hidden in jars and tins. If the property has outbuildings such as sheds or a garage, these should also be searched. In extreme cases, the property



may be too hazardous to be searched thoroughly, in which case photographic evidence should be recorded and an explanation as to why the search couldn't be concluded added to the case file.

Throughout the search it is important that Officer's take frequent breaks to get some fresh air, particularly where the property is in poor state of hygiene. Fresh, bottled water should be included as part of the "search kit", and regularly drunk to maintain hydration, particularly in hot weather and when the property is stuffy. If it is not possible to complete the search in one go, arrangements should be made to revisit the property.

Items that are removed from the property should be placed in bags and recorded on the Record of Items Removed from Premises Form (See Appendix 1 - Form Ten). This should be signed by the case Officer and a witness where possible, a copy of this should be left with the witness. If the witness is not available, the second Officer can sign the form.

On completion of the search the Officer's should ensure that the property is properly secured, and the keys handed to the relevant person. If a further search is required, or the property contains large items that cannot be removed but may be sold off to offset costs, the keys should be retained by the Officer's. It is good practice to inform neighbours once the search is completed, and to ask them if they would like to be kept informed of the funeral arrangements. If so, note down their names and addresses, and give them a business card with the Case Officer's contact details.

Contacting the Family of Friends

In some cases the property search may reveal a valid will. If so, the named executor should be contacted and offered the chance to take over the funeral arrangements. It must be remembered that the executor may be a relative or close friend who may not know about the death; therefore, sensitivity in any communication must be exercised. Ideally contact should be by telephone so that the person can ask questions of the Officer. If this is not possible, a letter should be sent to the address given on the will.

Often the executor will be willing to take over the funeral arrangements, especially if there is an estate. In these circumstances arrangements should be made to hand over everything to the executor, ensuring that a receipt for any property is received and stored as part of the case file. Once the items have been handed over, the Record of Decision and Authorisation form (Appendix 1 - Form Four) can be completed, and the case closed (enter the date on the Case Register).

If the executor is not prepared to take over the funeral arrangements, they should be asked to provide a formal renunciation of the will. Ideally this will be through a solicitor, but if the executor is not willing or is unable to procure this service, a letter stating that they formally renounce the will and their role in it should suffice, especially if this is signed and witnessed. If the executor is not even prepared to provide a letter, full notes should be made in the case file of any conversations and the reason why the executor is not prepared to act.



The property search may have revealed information about possible family or good friends who may be willing to take on the funeral arrangements. At the very least, they may wish to be informed about the death, and given the option to attend the funeral if they can't or won't make the funeral arrangements. Attempts should be made to contact anybody that appears to be a relative or a close friend – this maybe ascertained from an address book, diary, or list of numbers kept by the deceased, or from a phone bill where frequently used numbers may appear. On occasions there maybe an address rather than a phone number, in which case directory enquires should be used to ascertain a current telephone number, if no number can be ascertained a letter sent to the address asking for them to contact the Case Officer should be implemented.

It is not easy to break the news of somebody's death, therefore, due consideration must be given to how the conversation may go. It is possible that the person being contacted has had no dealings with the deceased for a number of years, and may be fairly ambivalent about the death. Equally, the person may have been trying to locate the deceased with no success, and may be very shocked and upset by the news.

Officers must be prepared for the range of emotions that the news may evoke, and ideally should be trained in customer care skills, with particular emphasis on dealing with bereavement.

Once the news has been broken, and the response of the recipient ascertained, the issue of the funeral can be raised. The relative or friend should be offered the option of taking over the funeral arrangements, and if they accept, arrangements can be made to send them any property that was recovered from the search, and any keys, if relevant. The Officer should then complete the Record of Decision and Authorisation from (Appendix 1 - Form Four), and close the case.

If the relative or friend does not want to take over the funeral arrangements, they should be informed that the authority can make arrangements and will claim any costs against the estate. In case of it being a relative, they should be asked if they are willing to sign a Next of Kin Consent form (Appendix 1 - Form Two), and if so arrangements made to send them one. If they are not willing to sign the form, a record of the conversation should be kept as part of the case file.

Once the Officer has established that the authority is to make the funeral arrangements, the Record of Decision and Authorisation form (Appendix 1 - Form Four) should be completed, and the next phase of making the funeral arrangements entered.

In some authorities the Coroner's Officer may be prepared to contact the relatives of the deceased to break the news of a death. Alternatively, the Coroner's Officer may contact the local Police to carry out this role if the relatives live in a different area. If a Coroner's Officer or the Police are used to break the news of the death, the Case Officer must ensure that they give the relatives the contact details of who to contact for further information regarding the funeral arrangements. This approach



may relieve the Officer of having to break the news of the death, but sensitivity will still be required in any subsequent dealings with the relatives regarding the funeral arrangements.

There is no legal framework for how far the Case Officer should go to contact relatives. Each case will be different, but good practice is to conduct a search of the property, and talk to neighbours and friends where possible. If any details are found, these should be followed up, preferably by a phone call. If the details are out of date and no contact can be made, there is not much else that the authority is authorised to do. The Coroner's Office or Police may be able to assist, but there is no compulsion for them to do so. For some cases the Coroner's Officer may place a notice in a local newspaper, asking for any relatives or friends of the deceased to come forward. There is no compulsion on the authority to do this, but in some cases where family are suspected and there is a sizable estate, it may be in the authority's best interests to do so.

Any costs for such adverts can be claimed as part of the estate. Nottingham City Council will place adverts on their Cemetery and Crematorium Website as well as adverts being placed in the Nottingham City contact centres – **Riverside at Bulwell - 0115 8833520; The Cornerstone at Clifton - 0115 8786100; St Ann's Valley at St Ann's - 0115 8839700 and The Mary Potter Centre in Hyson Green - 0115 9420330.** The website will be updated monthly and archived for up to 12 months – the posters in the contact centres will be on display for approximately 2 weeks then removed.

Another option for tracing family is to use a private tracing company, who should provide this service free of charge. Such companies should be able to confirm the presence or absence of relatives quickly. If relatives are traced via this method, they should be offered the option of taking over the funeral arrangements themselves.

Burial or Cremation

By this stage Nottingham City Council will either have handed over the case to an executor, relative or friend, or will have accepted responsibility for the funeral. Consideration can now be given as to the actual funeral service.

The Case Officer will have opened a case file, completed the Case Register and Referral Form, recorded any items removed during a property search, and completed the Record of Decision and Authorisation Form. The Officer should now start to complete a Case Progress Form and a Record of Receipts and Expenses Form (Appendix 1 - Form Twelve). These forms are essential in tracking progress, and in keeping a record of income and expenditure.

At this stage local burial and cremation records should be checked to try and ascertain if the deceased has a burial plot in any of the local cemeteries, or if they acted as an applicant for a cremation. If such records exist, they will help the Case Officer to determine the best option for disposal. If the deceased owned the right of burial to a grave, and there is room in the grave, the deceased can be buried subject to the approval of the burial authority. If the deceased was not the owner of



the grave, the owner's consent must be gained before a burial can go ahead. If consent is not forthcoming, the burial cannot take place in that grave.

The information received from the informant, together with any evidence recovered during the property search and in talking to friends and neighbours should allow the officer to understand whether or not the deceased had any particular religion. Whilst Section 46 of the Public Health (Control of Disease) Act 1984 states that the authority 'must cause to be buried or cremated', it should be noted that particular forms of disposal are forbidden by some religions.

Muslims and Orthodox Jews, for example, do not allow cremation, whilst it is the preferred method of disposal for Sikhs and Hindus. Section 46 goes on to state 'An authority shall not cause a body to be cremated where they have reason to believe that cremation would be contrary to the wishes of the deceased'.

If the local authority is a cremation authority, this may be the preferred choice of disposal as it is likely to be more cost effective than burial. Even if the authority is not a cremation authority, this still may be the cheapest option. The actual choice of disposal is a matter for the authority, but due consideration should be given to any evidence of religion, previous involvement in burial or cremation, law, and financial considerations.

One reason to choose burial over cremation is that if family come forward at a later date, they have the option of exhuming the body and making their own funeral arrangements. Such instances, however, are probably quite rare, and the cost and implication of having a burial over a cremation needs to be assessed.

Historically mass common graves have been used for a 'pauper burial', such graves can be used up to 20" deep and may contain dozens of burials. In these more enlightened times the use of mass graves is discouraged, and ideally a burial should take place in an individual grave. In cemeteries where space is at a premium, it may not be possible to find a new space for each case. The authority should give due consideration to using remaining space in previously used un-purchased graves – the burial would still be individual, and no previous remains would be disturbed. The grave could be marked with a simple memorial, although due considerations should be given to the cost (if there is an estate the Treasury Solicitor may be prepared to pay for a simple memorial).

In the case of a cremation, the cremated remains may be scattered in the crematorium grounds and the location noted, or they may be given to a relative or friend for private disposal. Some authorities recommend holding the remains for a minimum of 12 months in case any family come forward, but the likelihood of this must be weighed up against other factors such as settling the final resting place for the deceased as early as possible. Whatever option is chosen, clear records should be kept that would enable a family to locate the final resting place should they come forward at any time in the future.

Once it has been decided what type of funeral service should be held, the information can be passed to the contracted Funeral Director so that arrangements



can start to be made. A date and time for the funeral should be set with the burial or cremation authority and the Funeral Director, and communicated to any relatives or friends who may wish to attend.

The Funeral Director will coordinate the completion of the statutory forms, and make any other arrangements as necessary. If the funeral is to be a cremation service, the Case Officer will need to complete the statutory Cremation forms Instruction and Application (Appendix 1 - Forms Thirteen and Fourteen). In part 4 it will be necessary to explain why the Case Officer is making the application rather than a near relative or executor. It will also be necessary to state whether there are any near relatives or executors who have not been informed of the proposed cremation, and whether any near relative or executor have expressed any objection to the cremation (Appendix 1 - Form Fifteen).

If the funeral is to be a burial service, the Case Officer will need to complete the burial authority's Notice of Interment (or similar). This is a non-statutory form and the design varies between different authorities.

Registering the Death

If there are no relatives willing or able to register the death, this will need to be done by the Case Officer. The law states that ideally a relative should register the death, but make provision for the person causing the disposal of the body to do so where there are no relatives willing or able to register.

If the death has not been referred to the Coroner, it must be registered within 5 days. Most authorities operate an appointment system at the register office, so it will be necessary to ring and arrange for a suitable date and time. It is good practice to take the case file with you as the Registrar will need to know certain information in order to be able to register the death. The doctor who issued the Medical Certificate of the Cause of Death may have sent it directly to the Registrar, but if not the Case Officer will need to make arrangements to collect it from the doctor and take it to the Registrar. The Registrar will also need, if available the following:

- Birth Certificate
- Marriage or Civil Partnership Certificate
- NHS medical card
- National insurance number
- Passport

Further information required by the Registrar includes the following:

- Date of death and place of death
- The deceased persons full name at the time of death
- Any names previously used, including maiden surname
- The person's date and place of birth (town and country if born in the UK and country if born abroad)
- Their last address
- Their last known occupation



- The full name, date of birth and occupation of a surviving spouse or civil partner
- If they were getting state pension or any other state benefit

Some of the information may not be known or apply to each case, but as many of the details as possible should be provided to the Registrar. Following registration, the Registrar will issue the Case Officer with a certificate for burial or cremation (known as the 'green form') – this form is essential and should be given to the Funeral Director or the burial or cremation authority as soon as possible so as not to delay the funeral. The Registrar will also issue the Case Officer with a certificate of registration of death (form BD8) – the BD8 is for benefit claim purposes and should be completed and sent to the job centre plus or you can telephone **0845 606 0265** telephone (Welsh) **0845 606 0275**.

If the case has been referred to the Coroner, it may not be possible to register the death until after the funeral – the death can only be registered once the Registrar has received permission to do so. If a death is referred to the Coroner but no inquest is to take place, the Coroner will issue a Pink Form 100A or 100B, which will normally be sent direct to the Registrar. On receipt of the Pink Form the Registrar can allow the registration of the death to proceed. If there is to be an inquest and the body is to be buried, the Coroner will issue an Order for Burial (Form 101) once the Coroner is satisfied that there are no further enquiries to be made of the body. The order for Burial is required by the burial authority before the burial can take place. If there is to be a post-mortem or an inquest and the body is to be cremated, the Coroner will issue a Certificate for Cremation once all enquires of the body has been made. The cremation authority will require the Certificate for Cremation before the cremation can take place. Once an inquest has been held the Coroner will send a 'certificate after inquest' to the Registrar so that the death can be registered.

It is important to note that no burial or cremation can take place until the death is registered and the 'green form' has been issued, or until a Coroners 'order for burial' or 'certificate for cremation' has been issued removing the requirement to register the death prior to the funeral.

At the end of the registration of the death, the Registrar will offer to sell you a copy of the death certificate – this is a certified copy of what is written in the death register, and is normally needed by banks and building societies, pensions companies, insurance companies etc to prove that the deceased has died. It is worth considering how many actual copies may be required (in some cases a photocopy may suffice) and buying them at the time of registration as the cost will be cheaper. It is possible to order copies at a later date, but this will incur an additional cost.

The Registrar may ask you if you would like to use the Tell Us Once Death Notification Service. This service is delivered by the local council on behalf of the Department of Work and Pensions to report bereavements to government organisations and local council services. You will receive an event reference number, please keep this safe as it will be required if you decide to complete the Tell Us Once Death Notification



Service. The contact centre number is **0800 085 7308** – please see Appendix 1 for more information.

The Funeral Service

Using the information about the deceased gathered during the Case Officer's enquiries, the contracted Funeral Director will appoint a suitable minister of religion, humanist or civil celebrant to conduct the service. If there are relatives or friends, they may be contacted to provide background information about the deceased so that a fitting eulogy can be given as part of the service. They may also be asked about the choice of music for the service. If there is no family, the Case Officer can select appropriate music based on their background knowledge of the deceased. For example, if it is discovered that the deceased used to be in the Navy it may be appropriate to play Nimrod and the hymn 'For those in peril on the sea'. The service should be structured around the time available at the crematorium or cemetery, normally 20 -30 minutes. If not much is known about the deceased, it will not be possible for a long eulogy to be given, therefore the service may be shorter than this. Either the Funeral Director or the Case Officer should make any specific music requests to the cemetery or crematorium at least 24 hours prior to the funeral.

On the day of the funeral it should not be possible to distinguish a Public Healthy Funeral from any other. The coffin containing the deceased should arrive at the cemetery or crematorium in a hearse, and be conveyed into the chapel or to the graveside by a minimum of four bearers (two if a trolley is used) led by a Funeral Director. The Funeral Director should remain in attendance throughout the service.

In all circumstances the Case Officer or another authority representative should attend the funeral, even if there are family and friends present. This shows great respect, and also allows the case file to be updated with information about the service, which may be of interest to any future enquirers. A copy of the service sheet should also be retained as part of the case file if applicable

The Estate

The Public Health (Control of Disease) Act 1984 does not confer any powers on a local authority to administer any estate belonging to the deceased. All that the authority may do is claim any funeral expenses, either via cash, the sale of valuables or the realisation of any bank or building society accounts, pension plans or insurance policies.

Throughout the case a record should have been kept of the Case Officer's time and any expenses incurred, including travel, purchase of death certificates, postage and telephone calls etc. These are all legitimate costs that can be claimed back against any estate. In some instances there will be no estate and it will not be possible to recover any costs. It is still important to record the costs incurred so that a true picture of the cost to the authority of making the funeral arrangements can be gained.



Where there appears to be a significant estate, early reference to the Treasury Solicitor is recommended. The Treasury Solicitor has produced a guide – Referring a case to the Treasury Solicitor (BV) – that can be downloaded from their website at www.bonavacantia.gov.uk/output/estate-guidelines.aspx. The guide gives useful information about estates and entitled relatives, and what to do if there is no will, spouse or civil partner or entitled relatives. In such circumstances the estate becomes bona vacantia (ownerless goods) and the Treasury Solicitor will undertake the administration of the estate on behalf of the Crown.

Once funeral costs have been met, the estate needs to be referred to the Treasury Solicitor if the remaining net value is above £500.00. If the amount of remaining cash and goods is under £500.00, the authority may retain the amount and are not obliged to refer to the Treasury Solicitor. If there are goods to be sold and the amount reached is over £500.00, the estate will then need to be referred to the Treasury Solicitor. If there are goods which are un-saleable, or the value is less than £500.00, the authority may dispose of them as they see fit. Estates can be referred using an online form, or a BV1A can be downloaded from the website for manual completion. As well as the form the Case Officer will need to send the Treasury Solicitor the following, by recorded delivery:

- All documents of value such as Title Deeds and Stock/ Share certificates
- All birth, marriage and death certificates, old letters, diaries and address books
- Credit / Debit and Store cards – these should be cut in half before sending to prevent misuse
- Bank and Building Society passbooks or statements, insurance policies and premium receipt books
- The funeral bill, authority's expenses and any other bills

The estate can only be referred to the Treasury Solicitor if there is no will and no entitled relatives. Where there are entitled relatives who are unable or unwilling to make the funeral arrangements, the authority should seek their own legal advice about how to dispose of the residue of the estate once the costs of the funeral arrangements have been claimed.

Any other items of value, such as jewellery and property keys etc, should be retained in safekeeping by the authority and advice regarding disposal sought from the Treasury Solicitor.

If there is no estate, it is good practice to write to any known creditors (letters may have been found during the property search) with a photocopy of the death certificate, informing them of the death and the fact that there is no estate. It is also good practice to inform banks and building societies, even if the deceased's account is in debit.

If there are bank or building society accounts that are in credit, a letter should be sent with a copy of the death certificate asking the bank to close the account and forward any amounts due to the authority. Banks and Building societies normally



have a department or office dealing with such accounts, and it is very useful to try and ascertain the correct contact details otherwise it can take several weeks before a response is received. A similar situation exists for insurance policies and pension plans, the Case Officer will need to contact them with a copy of the death certificate and ask for any amounts owing to be paid to the authority. If any monies paid by such policies and accounts add up to more than £500.00, the case will need to be transferred to the Treasury Solicitor. If the sum is under £500.00, the authority may keep it.

If the authority recovered goods from the property that can be sold, it is good practice to seek quotes from a minimum of 3 dealers and select the most advantageous price. Some authorities have sold goods on the internet auction sites such as eBay, which ensures that the best price is gained. In some cases it may not be possible to recover goods for sale, but it is expected that the furniture and items in the property may be of significant value. Quotes should be sought from 3 clearance companies, with the best deal being selected.

If the total of the goods is less than £500.00, the authority may keep the money. If it is over £500.00 it will need to be referred to the Treasury Solicitor.

The authority is under no obligation to clear the property that the deceased lived in. They may choose to do so if the value of goods is likely to return a profit, but if this is not the case the clearance of the property becomes the responsibility of the property owner. If the deceased owned the property and the case has been referred to the Treasury Solicitor, instructions regarding clearance may be received, in which case the cost can be reclaimed from the estate.

Record Keeping and Information Requests

Good record keeping and a clear audit trail is very important. Comprehensive notes of each case should be kept, and the forms given in Appendix 1 completed at each relevant stage. It should be remembered that relatives may come forward at some point in the future, and may want to be assured of the steps taken to trace them, and the disposal of any property.

Once a case has been completed and no further actions are necessary, the case can be closed and the date of closure noted on the case register. The file should then be retained under the Council's usual document retention policy for a minimum of 7 years. Any bank books and credit cards etc that are no longer required should be securely destroyed. At the end of the 7 year retention period, case files should be securely destroyed, although it is recommended that the case register is kept permanently to provide a basic index of cases carried out to allow easy access to statistics over time.

The Local Government Association carried out a survey of Public Health Funerals in 2008 and again in 2010. Although they received a fairly good response rate, some authorities were unable to provide basic information on the number of cases conducted, the sex and age range of the deceased, and how much they spent on such funerals. The recommended case register should allow for easy access to basic



statistics that can be used to inform any future surveys by the Local Government Association or other organisations or researchers.

Authorities who carry out Public Health Funerals are increasingly being contacted under the Freedom of Information Act for details of the cases they carry out. The approach to such requests differs among authorities, and Officers are advised to seek their own legal advice from the Council's Information Officer or similar. Data protection laws do not apply to deceased people, but elements of the Freedom of Information Act can be used to withhold information. For example, the last known address of the deceased could be withheld if the case is still open and there are valuables in the property.

The authority could rely on S.31 (1) (a) of the Freedom of Information Act on the basis that disclosure of the information would likely to 'prejudice the prevention of crime'.

Some of the information requested may be perfectly acceptable to divulge, such as the number of cases carried out, what is provided at a Public Health Funeral and how much the authority spends on a funeral etc. If the information is in the public interest, is not available elsewhere, does not prejudice the prevention of crime or effective conduct of public affairs, then the information can be released.

It should be noted the Treasury Solicitor regularly publish details of estates valued at £5,000.00 or over, so researchers could be steered towards this source for their information. Some authorities choose to publish basic details of cases on their own website, including the name of the deceased, date of death, town and postcode, and whether the case was referred to the Treasury Solicitor. If authorities plan to publish such details it is recommended that they receive legal advice from their information officers prior to publication.

Appendix 1

Examples of forms used in Public Health Act Funerals

- 1 Initial Referral Sheet – Form One
- 2 Next of Kin Consent Form – Form Two
- 3 Hospital Referral Sheet – Form Three
- 4 Record of Decision and Authorisation Form – Form Four
- 5 Time and Expenses Form – Form Five
- 6 Administration Costs – Form Six
- 7 Property Information – Form Seven
- 8 Risk Assessment – Form Eight
- 9 Safe Working Practice – Form Nine
- 10 Record all Items Removed from the Premises Form – Form Ten
- 11 Case Progress Form – Form Eleven



- 12 Record of Receipts and Disbursements Form - Form Twelve
- 13 Instruction to Cremate – Form Thirteen
- 14 Application to Cremate – Form Fourteen
- 15 Application for a Burial in a Non Private Grave – Form Sixteen