

## Public Health Act Funerals Policy

### Help with Paying for Funerals.

When a person dies, it is normally a partner, executor or other family member who will be responsible for making funeral arrangements for a deceased person, together with its cost. If there are concerns about how the funeral is to be paid for, then it is important that you discuss this with your chosen Funeral Director at an early stage in the arrangements, as once you have entered into a contract with the funeral director you will be responsible for paying their costs.

If you or a partner are in receipt of certain benefits, such as Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Pension Credit, Housing Benefit, Council Tax Benefit, Working Tax Credit or Child Tax Credit, 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](http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Bereaved/DG_10018660)

### Public Health Act Funerals.

Tunbridge Wells Borough Council is responsible for making funeral arrangements for anybody who dies within their boundaries where no other arrangements are being made 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 Disease) Act 1984, and also provides 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 Tunbridge Wells Borough Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived in Tunbridge Wells.

If there is nobody willing or able to make the funeral arrangements, the case may be referred to Tunbridge Wells Borough Council, who will then be responsible for making the arrangements under S46 of the Public Health (Control of Disease) Act 1984. 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, then these may need to be returned to the Council to help offset the funeral costs.

Once the Council has accepted a case, the Bereavement Services team will deal with all 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 Kent and Sussex Crematorium 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 the Tunbridge Wells 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 public grave in the Tunbridge Wells Cemetery.

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 Crematorium or Cemetery in a hearse, and sufficient bearers to transfer the coffin to the chapel. The funeral director will also arrange for a minister of religion or a representative of the faith of the deceased to lead the 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.

Following the cremation, the cremated remains will normally be scattered in an unmarked but recorded location within the grounds of the Kent and Sussex Crematorium. In exceptional circumstances the cremated remains may be given into the care of a close family member.

Tunbridge Wells Borough Council will refuse any involvement 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.

### **Property Search**

Prior to making the funeral arrangements, Bereavement Services officers 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 at the Kent and Sussex Cremation office for a minimum of 12 months following the funeral. Bereavement Services officers are not responsible for clearing or cleaning the property.

Following 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.**

Tunbridge Wells Borough Council are entitled to recover their 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 and where there is a surplus of over £500.00 once all costs incurred in making the funeral arrangements have been reimbursed; the Council then has to refer the case to the Treasury Solicitor under Bona Vacantia.

Where there are known family, the case cannot however 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, the NHS Trust may assume responsibility for the funeral arrangements and recover their expenses from the deceased's estate.