

North Kesteven District Council

Assisted Funeral Policy



1.0 Introduction:-

Under the Public Health (Control of Disease) Act 1984 s.46 North Kesteven District Council (NKDC) has a duty to bury or cremate the body of any person who has died or been found dead in its area where it appears that no suitable arrangements for the disposal of the body are being made. NKDC can recover the cost of burial or cremation from the estate of the deceased person using the National Assistance Act 1948 s.50

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 needs to be maintained in order to respond to unforeseen circumstances during a potentially sensitive situation.

2.0 Who is responsible?

Where no suitable funeral arrangements have been made, or are being made, for a deceased person who has died only in North Kesteven district, the Council may have a duty to organise the funeral. This can be because there are not enough funds in the estate of the deceased to pay for the funeral or if family and friends do not have the financial means of organising the funeral themselves, or if there is nobody available who is willing to organise the funeral.

If the death occurred in hospital it is usually the Health Authorities responsibility to arrange a funeral, however there may be exceptional circumstances where the health authority may approach the district Council where the deceased resided. Each case will be dealt with on an individual basis if this occurs. If the death occurred in a residential home, we can ask the manager of the home if they would like to take on the responsibility of arranging the funeral if the deceased had any funds. Again there may be specific circumstances where the care home may approach the Council upon which the Council will deal with the request on a case by case basis.

If details of family and friends are found they will be informed of the death and invited to make the funeral arrangements. A close relative and in certain circumstances a close friend can apply for a Funeral Payment from the Social Fund (part of the Department for Work & Pensions) if they are claiming certain benefits. If it is not possible to contact a family member, or if family and friends do not have the means, the cost of a basic funeral, or part of the cost, will be met by the Council.

All of the above options will be discussed thoroughly with the relative or friend before we decide to arrange the funeral. There is no provision of part payment of expenses or donations – someone must take FULL responsibility. If a relative or

friend has already registered the death the arrangements for the funeral would be the relative's responsibility.

If family or friends pass the responsibility onto the Council, NKDC will take full control of the arrangement and the relative will need to complete a '**Next of Kin**' declaration form which confirms that there are no other family members willing to deal with the funeral.

3.0 **Details of the Deceased**

If the deceased had an abode, which may be a privately owned house, rented accommodation or council owned property, access will be obtained. At least two officers will go to the last known address to try and locate any next of kin details and to ensure that the effects of the deceased are properly dealt with and accounted for.

The council will collect the deceased's personal effects and search a property to find any documents such as a will, Insurance policies, Pension book, savings book, bank account details, cash, birth/marriage certificates, utility bills and any indicative preferences or religious beliefs regarding a burial or cremation. This is a very important part of the service the council provides, carried out with care and consideration for the dignity of the deceased and their family. All personal details collected are handled and stored in accordance to the Councils policies and procedures under the Data Protection Act.

If family and friends are traced as a result of the search of the property they will be contacted and invited to make the funeral arrangements.

NKDC will make arrangements to dispose of furniture and other property belonging to the deceased. If sold, the money recovered will be used to offset the cost of the funeral. Personal items such as photographs will be offered to family. We will also register the death.

NKDC 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. In some cases the named executor of a will is the solicitor that helped draft the will in the first place. 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.

4.0 **Funeral Costs**

Where possible the cost of the funeral will be recovered from the estate of the deceased or from a family member.

If the deceased left items of value (for example; furniture, electrical goods, jewellery or other personal effects) arrangements will be made for the disposal of these items and any money recovered will go towards the cost of the funeral. Likewise if there was a pension or insurance policy, money in a bank, post office or building society account, the money will be claimed and used to help pay for the funeral.

Any cash recovered from a property will be paid into the Council's National Assistance Burial account via the cashiers on return to the office. A 'Payment Advice' form can be handed over to the cashier, along with the cost code for the National Assistance Burial Income account

When all costs are known, and if the value of the estate exceeds the cost of the funeral, the Treasury Solicitor will be informed.

Where relatives are known, the balance of any estate, after funeral costs, is paid to the next of kin. They are then responsible for settling the deceased's estate. If no relatives are found, the balance is paid to the Treasury Solicitor.

5.0 Funeral Arrangements

NKDC will employ a funeral director and organise a burial or cremation. We will pay for the basic costs of the burial / cremation. If we know what the deceased's wishes were, we will always look to meet these. Cremation is the preferred option; however, if the deceased has left specific instructions regarding burial, where a family lair is available locally and where otherwise directed by the Police/Crown Office the Council will honour this and arrange for a burial to take place.

We will only provide a simple committal service, taking place in the crematorium or at the graveside. Known family and friends will be informed of the funeral details. The service would be in line with the deceased's beliefs (where known). Where possible, the minister or officiate will speak to any known family or friend to make the service a personal one.

The Council will pay for a simple but dignified funeral. This will include:-

- Supply a coffin appropriate for burial or cremation, suitably fitted with handles, plate of inscription, internal lining and gown
- Removal of the deceased to the Chapel of Rest and care of the deceased until day of funeral
- Provision of Hearse and attendant staff
- Arranging and conducting the Funeral

The Funeral Director will arrange the details of the funeral and will normally act as the Council's representative at the funeral. The costs would not include any flowers or public notices in the press.

Relatives or friends of the deceased can appoint and pay for a minister if they wish. Where burial is used for disposal of the deceased a lair provided by the Council shall be able to accommodate a maximum of two bodies. Unless there are sufficient funds no headstone would be provided.

Ashes from cremation will normally be scattered in the garden of remembrance at Lincoln City Crematorium after 28 days have lapsed, unless there is a relative or friend who wishes to take possession of the ashes, in which case any details of relatives or friends who wish to take control of the ashes should be clearly highlighted on the 'Instructions for the cremated remains' form.

The Council shall tender for the provision of Funeral Director Services for the most basic funeral service provision as the circumstances arise.

6.0 The Estate

It is the Council's responsibility to make every effort to recover its costs, which include the undertaker's bill and any administration charge for the work we have carried out. The person or organisation responsible for the arranging and paying for the funeral has first claim on the deceased's estate.

As the funeral expenses are the first legal charge against any estate, NKDC will write to any financial institution advising them of the person's death, enclosing the original death certificate, the funeral director's invoice and receipt of payment made by NKDC. Only when this first charge has been paid can anyone else claim the residue. Where relatives are known the balance of any estate, after funeral costs have been paid, would be dealt with by the County Solicitor.

If there is a property for the deceased Legal Services will be informed and details sent to the County Solicitor.

7.0 Treasury Solicitor

If after NKDC has recovered its costs for the funeral, including officer's hours, mileage and there is still money left, this shall be sent to the Treasury Solicitor. This is done by filling in form BV1A which can be found on the Bona Vacantia Division website.

When an estate consists only of a net cash residue of £500 or under, the money may be retained by a blood relative or the Council (if blood relative cannot be traced). When an estate consists of a cash residue of over £500 the case should be referred to the Treasury Solicitor, but only in the instance where a blood relative has not been found. The treasury solicitor can only administer the estate of someone when we have been unable to locate any next of kin.