

Executive Report

Wards affected: All

Report of Director of Community Services

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## Public Health Funeral Policy – for consultation

### Executive Summary

The report presents a draft public health funeral policy for consultation. It aims to set out the Council's roles and responsibilities and the level of funeral provision to provide a dignified, value for money funeral service.

### Recommendation to Executive

That the Executive approves a 6-week consultation on the draft Public Health Funeral Policy.

### Reason for Recommendation:

To ensure that Public Health Funerals are conducted in a fair and transparent way and that the deceased's estate is managed in line with the current legislation and guidance.

**Is the report (or part of it) exempt from publication? No**

### 1. Purpose of Report

- 1.1 This report presents the Council's first draft Public Health Funeral Policy for approval for public consultation and provides background information about Public Health Funerals within the Borough.

### 2. Strategic Priorities

- 2.1 The Public Health Funeral Policy will contribute to our fundamental theme of:

Community - Supporting older, more vulnerable and less advantaged people in our community

### 3. Background

- 3.1 Under Section 46 of the Public Health (Control of Disease) Act 1984 when an individual, resident or non-resident, dies within the Borough and it appears that no suitable arrangements are being made for the burial or cremation, the Council is responsible for the burial or cremation.
- 3.2 The Council has been exercising this duty for many years normally under written instruction from the Coroner.
- 3.3 We also receive requests for assistance from family members who do not have the financial resources or wish to arrange the funeral. For example, the next of kin may be located but are a distant relative with no recent contact with the deceased.
- 3.4 Below are the number of requests received and funerals arranged.

<b>Year</b>	<b>Welfare Funeral Requests</b>	<b>Public Health Funerals arranged by Guildford Borough Council</b>
2010-2011	7	7
2011-2012	5	5
2012-2013	6	4
2013-2014	11	8
2014-2015	6	5
2015-2016	6	6
2016-2017	12	9
2017-2018	7	7
2018/2019	10	9
2019/2020 to date	3	2

- 3.5 The Council also provides information on the other options available such as the Department of Work and Pensions Social Fund where the next of kin wish to arrange the funeral but do not have the financial resources.
- 3.6 In addition to assistance with funeral arrangements, we are often asked to help in other matters connected with the deceased's estate such as paying bills. These are normally over and above our statutory duties and we have no legal powers to assist.
- 3.7 Losing a friend or relative can be a very difficult period and the Council does not want to make the situation more stressful and wants to offer assistance where we are able. However, there are some circumstances where we have no legal powers to assist or there are other organisations better placed to help.

- 3.8 The Public Health Funeral Policy aims to help overcome some of the difficulties by detailing the procedure involved in assessing and authorising a public health funeral, the funeral provision and the support the Council is able to provide. The policy also explains that the Council will recover all funeral costs from the deceased's estate.

#### 4. Consultations

- 4.1 Councillor Fiona White, the Lead Councillor has been briefed on the draft Policy and supports the consultation. (to be confirmed after CMT approval)

#### 5. Equality and Diversity Implications

- 5.1 If known at the time of organising the funeral, the Council takes account of the deceased's wishes, religious or cultural beliefs when arranging both the funeral service and burial or cremation.

#### 6. Financial Implications

- 6.1 The Council is able to recover officer time and the cost of the funeral service and burial or cremation and has priority on the deceased's estate to claim the expenses. In the majority of cases, the Council is able to recover these costs but there can often be a significant time delay obtaining the money from the estate meaning the budget does not balance year on year. The table below shows the income and expenditure over recent years.

Year	Expenditure	Income	Total
2010-2011	£ 6,819	£ 3,785	£ 3,034
2011-2012	£ 5,187	£ 4,635	£ 552
2012-2013	£ 4,443	£ -	£ 4,443
2013-2014	£ 17,772	£ 7,221	£ 10,551
2014-2015	£ 5,672	£ 14,318	-£ 8,646
2015-2016	£ 17,603	£ 16,431	£ 1,172
2016-2017	£ 27,004	£ 24,328	£ 2,676
2017-2018	£ 14,510	£ 9,513	£ 4,997
2018-2019	£ 11,251	£ 3,082	£ 8,169

- 6.2 If there are no assets or a shortfall the Council must pay the cost.
- 6.3 The Council is currently retendering for a funeral director to undertake the burials and cremations on behalf of the Council. The retendering process will ensure value for money on behalf of the Council and the estate of the deceased.

#### 7. Legal Implications

- 7.1 When it appears that no suitable arrangements are being made for the burial or cremation of the body of any person who has died or been found dead within the

Borough, then the Council has a statutory duty under Section 46 of the Public Health (Control of Disease) Act 1984 to arrange for the burial or cremation.

- 7.2 Officers have authorisation to enter a property, under the provisions of section 61 (1) (d) of the Public Health (Control of Disease) Act 1984 to ascertain the extent of the estate; find or find the location of a will and to remove any items or assets which may assist in funding the funeral.

## **8. Human Resource Implications**

- 8.1 There will be no additional human resource implications associated with the consultation and adoption of the policy.

## **9. Summary of Options**

- 9.1 There are four options available after considering the information in this report:
1. Approve Appendix 1 for a 6-week consultation.
  2. Approve a modified version of Appendix 1 for a 6-week consultation.
  3. Ask officers to draft a revised policy for consideration at a future meeting.
  4. Reject the draft policy as there is no statutory requirement to have a Public Health Funeral Policy.
- 9.2 The legislation details the Council's duties in relation to Public Health Funerals but the absence of a policy clearly setting out the Council's roles and responsibilities is unhelpful to the public and can often lead to confusion and frustration. It is for this reason that officers recommend Option 1.

## **10. Conclusion**

- 10.1 The report provides background on the current volume and cost of public health funerals to the Council along with a draft policy for consultation.

## **11. Background Papers**

None

## **12. Appendices**

Appendix 1: Draft Public Health Funeral Policy – October 2019