

Executive Report

Ward(s) affected: All

Report of Director of Service Delivery

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## Public Health Funeral Policy

### Executive Summary

This report presents a draft public health funeral policy for approval. It sets out the Council's roles and responsibilities and the level of funeral provision required to provide a dignified, value for money funeral service. A six-week consultation with in-house services and public and private partner organisations has been held and the draft policy has been updated to reflect the feedback received through this consultation process.

### Recommendation to Executive

To approve the draft Public Health Funeral Policy as set out in **Appendix 1**.

#### 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 draft Public Health Funeral Policy for approval, having been amended following feedback from a six-week public consultation process. It also 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, usually under written instruction received from the Coroner.
- 3.3 The Council also receive requests for assistance from family members who do not have the financial resources 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 numbers 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         | 4                               | 2   |
| 2020 – 2021 to date | 2                               | 1   |

- 3.5 The Council provides information of 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, the Council is 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 possible. However, there are some circumstances where the Council has no legal powers to assist or there are other organisations better placed to help.
- 3.8 The draft 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 provision of the funeral and the support the Council is

able to provide. The draft policy also explains that the Council will recover all funeral costs from the deceased's estate where possible.

#### 4. Consultations

4.1 Consultation has taken place with both internal and external consultees. The consultation was also published on the Council's website. The six-week consultation period began on 31 January 2020 and ended on 13 March 2020. A full list of consultees is given in **Appendix 3**.

4.2 Surrey County Council Registrar made two comments with regards to section 5.0 of the policy, relating to the death registration. These were:

- (a) We are the 'Register Office' rather than 'Registry Office'. It is a common error made.
- (b) Where you specify the information required for a death registration, can you please include the 'place of birth' and the 'spouse's full name and occupation if married or widowed'. It just gives the relevant person involved the heads up that they need to find out this information if possible.

4.3 The draft policy was updated to reflect these comments, as set out in **Appendix 2**.

#### 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 costs 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 full cost.
- 6.3 The Council has recently retendered for a funeral director to undertake the burials and cremations on behalf of the Council. The retendering process ensures value for money on behalf of the Council and the estate of the deceased. This process has concluded and been awarded on the 11 May 2020 to Woking Funeral Care T/A James and Thomas Funeral Directors to last for a duration of 5 years.

## **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. Climate Change/Sustainability Implications**

- 9.1 There are no climate change/sustainability implications in the Policy. The funeral directors Environmental Policy can be found at <https://corporate.funeralpartners.co.uk/corporate-social-responsibility/>

## **10. Summary of Options**

- 10.1 There are 3 options available after considering the information in this report:
1. Adopt Appendix 1 to serve as the Council's Public Health Funeral Policy.
  2. Modify and adopt a version of Appendix 1 the Council's Public Health Funeral Policy.
  3. Reject the draft policy as there is no statutory requirement for the Council to have a Public Health Funeral Policy.
- 10.2 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.

## **11. Conclusion**

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

## **12. Background Papers**

- 12.1 The Executive report from 7 January 2020 seeking approval for consultation can be found via  
<https://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CIId=132&MIId=877>

## **13. Appendices**

- Appendix 1: Public Health Funeral Policy for approval
- Appendix 2: Draft Public Health Funeral Policy with changes highlighted
- Appendix 3: Consultation Comments Summary (including list of consultees)