



Northumberland
County Council

PUBLIC HEALTH FUNERAL POLICY

Approved by Cabinet 17 September 2024.

This policy will be reviewed bi-annually or more regularly in line with local circumstances, or in the event of a pandemic or significant risk to public health.

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Public Health Funerals under section 46 of the Public Health (Control of Disease) Act 1984.

1. Introduction

1.1 The term 'Public Health Funeral' is used to describe the process that Local Authorities use to discharge statutory duties under the **Public Health (Control of Diseases) Act 1984 (the Act)** when there is no surviving next of kin, next of kin cannot be located, next of kin are unwilling or unable to arrange a funeral or they cannot afford to pay for the funeral or the deceased dies intestate. [Read the Public health funerals: good practice guidance by clicking here.](#)

1.2 This Policy is intended to provide guidance on how Northumberland County Council will deal with public health funerals and provide a dignified, value for money funeral service under the Act. Due to the unique and potentially complex nature of some cases, this Policy should be regarded as an outline to the standards that can be expected. Flexibility will be maintained in order to respond to unforeseen circumstances.

Regardless of the circumstances, the dignity and respect of the deceased is of the utmost importance.

2. Approach

2.1 The Council will always consider whether the funeral can be funded by the next of kin or other known individuals in the first instance. When the Council is asked to undertake the funeral by a next of kin, the Council will ask if they are in receipt of benefits. If so, they may be entitled to help from the Social Fund administered by the Department for Work and Pensions. Any person enquiring about [help with funeral costs will first be directed to the Social Fund](#) and advised of any other support available

2.2 As defined in section 1 of the Act, Northumberland County Council is responsible for arranging a burial or cremation where a person has died or is found dead within the Northumberland area (though they may not live there), and it is apparent that this would not be carried out otherwise.

2.3 Northumberland County Council cannot arrange a public health funeral if the deceased lived in Northumberland but died within another Council's administrative boundary.

2.4 If the deceased died whilst living in a care/nursing home or as an in-patient in a hospital managed by an NHS Trust and there are no relatives, the home or the NHS Trust may refer the case to the Council who may assume responsibility for the funeral arrangements and recover their expenses from the deceased's estate.

2.5 Executors of the Will are responsible for organising the funeral if there is a valid Will and no next of kin in the first instance.

2.6 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.

2.7 Wherever possible, the County Council will seek to recover the expenses incurred in the provision of a public health funeral to minimise costs to the taxpayer.

2.8 This policy will be made available on the Council's website and a copy provided on request.

3. Referrals to the County Council

3.1 If no-one is willing or able to make the funeral arrangements, the case may be referred to the County Council, who will then be responsible for making the arrangements under section 46 of the Public Health (Control of Diseases Act) 1984. Referrals are usually made by the Coroner's Office; however local care homes or hospitals may refer direct where it is known there are no next of kin.

3.2 If the deceased had a family who are unable or unwilling to make suitable arrangements, the nearest surviving relative will be required to sign a declaration (Appendix 2) stating that they are requesting the Council to make the funeral arrangements on their behalf and understand the Council will aim to recover the funeral cost from the deceased's Estate.

3.3 Public Health Funerals play a critical public health role, and it is essential to keep public health considerations in mind when plans are developed.

3.4 Where there is no known next of kin the council may make reasonable enquiries in locating heirs and beneficiaries. Where none can be reasonably located, the Council may carry out the necessary funeral arrangements.

3.5 If a looked after child is the sole next of kin, the child (if appropriate) and social worker will be consulted about arrangements and a support network made aware. If a child passes away in care, the Council, as 'Corporate Parent' will arrange the funeral and cover costs. Steps will be taken to trace next of kin and the social worker and support network will be consulted regarding arrangements.

3.6 Whilst there is no legal requirement to do so, wherever possible, appropriate steps will be taken to locate the next of kin and offer the option of arranging the funeral themselves should they wish to. Engaging with them sensitively and keeping them fully informed of arrangements is important. They may also advise of any personal wishes of the deceased that they are aware of, including whether they owned a burial plot. If the deceased died locally but was known to have lived in another area, a request for any records can be made to the relevant local authority. Otherwise, Council information systems can be used to locate relatives of the deceased. The Council may refer cases to Estate Research and/or Finders, when necessary.

4. Record Keeping

4.1 From the point of referral, comprehensive records of all public health funerals will be kept, including details of any work to locate next of kin, any costs incurred and funeral arrangements. Deceased records will be maintained for a minimum of 6 years. Details of next of kin will be securely destroyed when no longer needed in accordance with GDPR legislation.

5. Property Searches

5.1 Information will be sought as to the value of the estate of the deceased. This involves gathering as much information as possible on the deceased's finances or evidence of next of kin. In exceptional circumstances and after other avenues have been explored, a warrant may be sought in order to carry out a property check at the address where the deceased lived to search for documents such as passport, bank statements, a Will etc. or searching other records if the person was known to the Council prior to death.

5.2 Following the completion of any search, the property will be secured. If this involves changing locks or windows if police/paramedics have had to break into the property, all costs will be recovered from the Estate where possible.

5.3 The Council is not responsible for clearing or cleaning the property.

6. Last Will and Testament

6.1 Where a Will is established, the funeral arrangements will be passed to the Executor and no further action will be taken by the Council.

6.2 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.

7. Death where there is a Next of Kin

7.1 If there is a known and estranged next of kin and they are not able to arrange a funeral, the Council is obliged to make the funeral arrangements. In these circumstances, the next of kin should provide written confirmation (see 7.2) of their decision.

7.2 Completion of a form (Appendix 2) is required expressing their wish not to be involved, and their choice regarding the ashes. Those wishes will be noted & followed as far as possible.

7.3 If the reason for their decision is financial, then they will be referred to the DWP to apply for financial assistance, providing they are in receipt of a qualifying benefit. Other sources of support will be discussed.

7.4 Before any arrangements are made, authorisation from the Business Support Manager, Business Support, Public Health Inequalities and Stronger Communities, Northumberland County Council must be sought.

8. Death where assets are available

8.1 Everything owned by a person who has died is known as their Estate. The Estate may be made up of money, both cash and money in a bank or building society accounts, property, and personal possessions such as jewellery etc.

8.2 Where the deceased has an Estate, the Public Health (Control of Disease) Act 1984 specifically allows the Council to seek to recover their full costs of the funeral from the Estate of the deceased. The Council will have first claim on the Estate and will recover the cost of the funeral, together with staff and administration costs.

8.3 The authority is not empowered to recover costs from any source other than the deceased's Estate.

8.4 After the cost of the funeral and associated costs have been deducted, the case will be referred to the Treasury Solicitor* if the following applies:

- the remaining estate is valued at over £500; • there is no evidence of a valid Will, and;
- there is no known next of kin.

**The Treasury Solicitor acts for the Crown to administer the estates of people who die intestate (without a Will) and without known kin (entitled blood relatives).*

8.5 A Public Health Funeral does not cover the cost or arrangement of:

- Execution of a Will
- Disposal/Administration of the Estate • Instigation of a funeral plan
- Clearance of property.

9. Funeral Arrangements

9.1 Once the Council has accepted a case, they will deal with all aspects of the organisation of the funeral, including dealing with the Funeral Director to make arrangements, and paying for the funeral.

9.2 All funeral arrangements must be the most cost-effective and offer value for money, whilst maintaining the dignity of the deceased and the bereaved.

9.3 A public health funeral arranged by Northumberland County Council includes the following:

- collection of the deceased
- preparation of the deceased

- coffin
- hearse and bearers for funeral
- Funeral Director's arrangement and attendance at the funeral
- In exceptional circumstances a simple service (see 12 below)
- burial or cremation fee
- scattering or retention of the Deceased's ashes

10 Cremation

10.1 Unless there is a clear understanding that the deceased had stipulated their funeral requirements included interment or the known faith or cultural heritage of the deceased would determine interment as part of funeral arrangements, a cremation service will be arranged. Local Authorities have a legal duty not to cremate a body where they have reason to believe this would be contrary to the wishes of the deceased. The cremation will be held at either:

Blyth Crematorium
Cowpen Road
Blyth
NE24 5SZ

or

Northumberland Crematorium
Bockenfield Wood
Felton
Morpeth
NE65 9QJ

10.2 It will be the discretion of the Council which crematorium is used, basing the decision on the established facts of the case which has been referred, duly investigated and subsequently accepted.

10.3 If a cremation is chosen, NCC will allow the ashes of the deceased person to be given to family (or friend with family permission) if requested in writing (Appendix 2), at no cost to the family or friends. The ashes will be collected from the Funeral Director. If the ashes are not requested, the authority will scatter them in their garden of remembrance and record the location.

10.4 The next of kin or relatives will be informed by the Funeral Director how long the ashes will be kept to allow for collection by them. Unless there are exceptional circumstances, if they are not collected by that date, then arrangements will be made to scatter the ashes in the Garden of Remembrance.

11 Direct to Graveside Burials

11.1 The religious and cultural beliefs of the deceased will be respected as far as possible and where known. Should it be established that the deceased would have chosen a burial for religious or cultural reasons, or if the deceased had purchased a

burial plot where there is capacity for them to be buried within it, then arrangements will be made for the deceased to be interred.

If a burial is required and the deceased did not own a grave, then a direct to graveside burial will take place in one of Northumberland County Council's cemeteries.

11.2 Occasionally, there may be exceptional circumstances where a direct to graveside funeral is not appropriate. Such cases will be identified following robust investigation by the Business Support team who are based within the Public Health, Inequalities and Stronger Communities Directorate of Northumberland County Council, and have been approved by the Business Support Manager.

11.3 Memorials are not authorised for public health graves, the plots are owned by the Council. Next of Kin have the option to buy the plot and have the ownership transferred to them whereby a memorial can be erected.

12. Ceremony

12.1 If, during investigations into the deceased, it becomes apparent that they either had a strong religious faith of whatever denomination and that it is clear that their wishes would have involved a ceremony in some form, then a short service will be arranged. Where necessary, a leader from the relevant faith group will be contacted to discuss and advise on any faith requirements or rituals and be invited to attend. A family member or friend may give a reading or say a few words.

12.2 Similarly, if it becomes apparent during investigations that the deceased has no religious belief BUT held a strong wish to have a funeral with a service, then the Council will seek to provide a civil service.

12.3 In the case of direct cremations, the next of kin, friends, or relatives, will be allowed to select music and in the case of a burial, a family member or friend will be permitted to say a few words.

12.4 The next of kin will be informed of the time and venue ahead of the funeral.

12.5 The cost of the service will be claimed from the deceased's Estate where possible.

12.6 All costs incurred must be reasonable, therefore transportation of next of kin, a wake or further memorial event will not be provided.

13. Publication of Data

13.1 Disclosing the full name of the deceased may lead to living relatives being identified; either by people who knew the deceased, or by someone making further enquiries (such as a search of the Electoral Register). This could identify a spouse, partner or relative who may (or may not) still reside at the property.

13.2 Such individuals may not want it known that they were unable or unwilling to pay for the funeral. This is a private matter, and therefore Section 40(2) Freedom of Information Act 2000, has been applied to protect the personal information of living relatives.

13.3 Once a case has been completed and no further actions are necessary, the case file will be closed, and the date of closure entered onto the case register. The file will be retained under the Council's usual document retention policy for a period of 6 years, after which it will be securely destroyed. However, the case register will be kept indefinitely to provide a basic index of cases and easy access to statistics.

13.4 The Council recognises that there is a public interest in understanding to cost to the public purse of Public Health Funerals and will therefore publish annually:

- Year
- Number of Public Funerals
- Cost
- Number of Burials
- Number of Cremations
- Gender
- Date of Death/age
- Whether the case was referred to the Government Legal Department.

14. Contact

Persons requiring advice about Public Health Funerals should contact:

Email: IntegratedBusinessServices@northumberland.gov.uk

Telephone: 01670 624814

Face to Face Hours: 8:30 am – 4:30 pm Monday to Friday

APPENDIX 1

Section 46 Public Health (Control of Diseases) Act 1984

Record of Items Removed From Premises

Full name of deceased:	
Address from which items removed:	

Items	Date

Witness

Signature

.....

Print Name

.....

Signature

.....

Print Name

.....

Items	Date

Witness

Signature

Signature

.....

.....

Print Name

Print Name

APPENDIX 2

Section 46 Public Health (Control of Diseases) Act 1984

Next of Kin Consent Form

To: Northumberland County Council

I (enter full name of next of kin)
Address
Being the (enter relationship with deceased)
Of the late (name of deceased)

Hereby authorise Northumberland County Council to make the appropriate arrangements for the funeral of the said deceased under Section 46 of the Public Health (Control of Diseases) Act 1984 and to receive all such sums as may be due in respect of the death from the Department of Work and Pension, Insurance Company, Trade Union, Friendly Society or any other organisation or body to which the deceased may have belonged prior to death, to offset the costs of the funeral expenses or to recover such costs from the deceased's bank, National Savings Account or other assets; and I hereby declare that I disclaim all responsibility for the funeral arrangements for the above mentioned deceased.

If a cremation of the said deceased takes place, please indicate if you would prefer to collect the ashes in person or if Northumberland County Council should have them scattered in the garden of remembrance.

Ashes scattered	
Ashes collected	

Should you wish to collect the ashes, you will need to tell us who they are being collected by, write their name in the box below.

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You will need to make an appointment directly with our Funeral Directors for collection and photo ID will need to be provided on the day.

Signed	
Signature of witness	
Print witness name	
Witness address	