



Listening Learning Leading

# Joint Public Health Funerals Policy (Adopted December 2024)

DRAFT

## 1. Purpose

- 1.1. The purpose of this document is to outline the councils' approach when arranging a public health funeral (PHF).

Local authorities are required to provide funerals for people who have passed away and have no next of kin, or who's next of kin, relatives or friends are unable or unwilling to make and/or pay for the necessary funeral arrangements.

PHFs are designed to protect public health and are important in ensuring that all individuals are treated with dignity and respect, regardless of their circumstances.

## 2. Introduction

- 2.1. South Oxfordshire District Council and Vale of White Horse District Council ('the council') will arrange all public health funerals (PHF) where the deceased died within the councils' administrative boundary, when there is no surviving spouse/partner; no next-of-kin can be located; there is no funeral plan in place; surviving spouse/partner and/or next-of-kin refuse to take responsibility for the funeral.
- 2.2. Section 46(1) of the Public Health (Control of Diseases) Act 1984 (the Act) states: "It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority."
- 2.3. If the surviving spouse/partner, or family, or next-of-kin of the deceased are unwilling to take responsibility for the funeral, they will be asked to sign a document stating they acknowledge that the council will make the funeral arrangements and that they understand that all costs will be recovered from the estate before any funds are released to them.
- 2.4. Once the council has accepted responsibility for a funeral, it will make all the decisions about all aspects of the administration of this function.

## 3. Instances where the council is not responsible

- 3.1. The council is not responsible for PHF arrangements if the deceased lived within the council district but died within another local councils' administrative boundary. The responsibility rests with the council in who's administration boundary the death occurred.
- 3.2. The council is not responsible for PHF arrangements if the deceased died as an in-patient in a hospital managed by an NHS Trust and there are no relatives. In that instance the NHS Trust are responsible for the funeral arrangements and can recover their expenses from the deceased's estate.
- 3.3. The council is not responsible for PHF arrangements if the deceased died in a care or nursing home managed on behalf of Oxfordshire County Council (OCC). In that instance OCC are responsible for the funeral arrangements and can recover their expenses from the deceased's estate.

## The process

### Property Search

- 3.4. Once the council has been informed of the death and a request made by the coroner for a PHF, a visit to the home of the deceased will be conducted as soon as possible. The purpose of the visit is to search for items such as (for example):
- details of any next-of-kin.
  - a Will.
  - identification documents such as passport or driving licence.
  - any other relevant documentation.
  - details of bank accounts.
  - substantial amounts of cash.

This information is collected to understand the deceased's final wishes, secure financial information, and aid efforts to find any next of kin. All such records are safely secured at the council offices.

- 3.5. Two council officers conduct the property search and always stay together throughout the inspection and a written and photographic record is made of each item removed from the property.
- 3.6. Items removed may include (but not restricted to) those specified in 4.1 above. A written inventory of all items removed from the address is also recorded and these may be sold with the proceeds used towards recovery of costs or be passed on to next-of-kin or be passed to the Bona Vacantia Division of the Government Legal Department administrators (see section 10.2 for details) dependant on the individual circumstance.
- 3.7. All other personal possessions from the deceased remain untouched and left in the property.
- 3.8. Next of kin and landlords must not remove any items from the deceased's accommodation until given written approval by the council officer responsible for arranging the public health funeral.
- 3.9. Where the next-of-kin wants to be present at the search, or wishes to look through the property, the council will do its best to accommodate these requests. The next-of-kin will always be accompanied by council officer(s) to ensure that no items are removed from the property.

## 4. Last Will and Testament

- 4.1. If a Will is found at the property search, with a named Executor, this, and the responsibility for the funeral, property, and all contents, will be immediately passed to the Executor.
- 4.2. Where a Will cannot be established, the council may search for one on 'The National Will Register' to check if the deceased made one.
- 4.3. If the Executor revokes their duty and refuses to take on the responsibility of the funeral, they must make a formal renunciation of the Will. If property or valuables have been removed from

the property by the Executor, they may be required to be handed to the councils, if insufficient funds are available to cover the funeral expenses.

## 5. Locating estate heirs

- 5.1. Where next-of-kin cannot be found; and a Will cannot be located; the council will use the services of companies (on a rolling rota) who specialise in locating heirs and beneficiaries of the deceased. These services are free to the council, with the company being recompensed directly by the heir(s).

## 6. Registration of the death

- 6.1. Where the council has taken on the responsibility for the funeral, a council officer will register the death. Death certificates are purchased by the council for administration use, then recharged to the estate of the deceased.
7. The Government '[Tell Us Once](#)' service is used when possible and where no next-of-kin has been traced. This is a government service that lets anyone report a death to most government organisations all at once.

## 8. Information linked to the deceased

- 8.1. Information linked to any next of kin will be dealt with in accordance with each council's Privacy Policy ensuring that personal data, including sensitive personal data, is always treated lawfully and appropriately and that the rights of individuals are upheld. These regulations do not apply to the deceased:  
[Privacy policy - South Oxfordshire District Council](#)  
[Privacy policy - Vale of White Horse District Council](#)
- 8.2. If next-of-kin are found, they will be provided with a detailed account regarding the steps taken by the council and required recovery of costs from the estate, details of disposal of any personal possessions and inventory with photographs, and any effects before closure of the case. This is signed by the next-of-kin, or their representative, and a council officer.
- 8.3. If the located next-of-kin are considering taking on responsibility for the funeral, they may be eligible for help with the cost through a [Funeral Expenses Payment](#). This is available if they receive income-related qualifying benefits.

## 9. Appointment of funeral directors

- 9.1. In line with Government Guidance, a funeral director must be appointed. They will be inspected by the council to ensure they provide a high-quality service.
- 9.2. The council will, from time to time, request that funeral directors supply tenders for the provision of a service in respect of public health funerals to ensure best value and compliance with the council's procurement rules.

## 10. The funeral

- 10.1. The policy is not to share responsibilities or part-fund a funeral. This is due to the additional complexities and costs involved.

- 10.2. When the council takes responsibility, a dignified, basic, private funeral is arranged to honour the deceased respectfully.
- 10.3. If documentation reveals an expressed wish by the deceased for a specific type of funeral, the council will strive to honour those wishes. However, if the costs are deemed unreasonable, officers will prepare a report, to be validated by the Service Manager, explaining why the wishes cannot be upheld and detailing the type of funeral that will be provided.
- 10.4. The funeral will consist of a private interment (single or double depth), arranged by the council in collaboration with the undertakers. The location of the burial grounds or crematorium will be at the council's discretion. To manage costs; the policy is not to pay for flowers, music, prayers, hymns, memorials, or headstones, nor can contributions be accepted for these items.
- 10.5. The council will only arrange for a minister of religion or a faith representative to conduct a service if it is certain that this was the deceased's wish, as indicated in a written will. The pallbearers will respectfully carry the coffin into the Chapel of Rest before the interment.
- 10.6. The council is not obligated to inform the surviving spouse, partner, next-of-kin, or friends of the time and place of the private funeral. They will be informed once the private interment has been completed, allowing them to pay their respects to the deceased afterward.
- 10.7. Beyond the method of committal, the council is not legally required to accommodate any religious or belief-related requirements the deceased may have had.
- 10.8. The council has a legal duty not to cremate a body if it believes that cremation would go against the wishes of the deceased. A cremation will only occur if it has been requested by the deceased in their Will. After the cremation, a request may be made by the next of kin to take the ashes away. If following a cremation there is no next of kin available or they choose not to take the ashes, they will be respectfully scattered in the crematorium grounds three months after of the funeral.

## 11. Council's right to reclaim the cost of expenses incurred

- 11.1. [The Public Health \(Control of Diseases\) Act 1984](#) allows the local authority the right to reclaim the cost of 'expenses incurred' for the deceased's funeral, and it is important that all costs are reasonable. Local authorities cannot claim additional monies to cross-subsidise the costs of other funerals. Costs can include anything connected with the burial or cremation, as well as reasonable ancillary costs. For example:
- the cost of the funeral including burial/cremation fees.
  - time spent registering a death.
  - time spent arranging a funeral.
  - general administration costs (officer time, including property searches).
  - funeral director fees.
- 11.2. Where there is no surviving partner/spouse or next-of-kin to inherit items or proceeds from the estate, after the funeral and councils' administrative charges have been deducted, and if there are no other outstanding bills, any other money remaining will go to the Treasury Solicitor in accordance with their guidelines for referring estates in Bona Vacantia. The [Bona Vacantia Division](#) of the Government Legal Department administers the solvent estates of people

domiciled in England or Wales who appear to have died without leaving a valid will or relatives entitled to share in their estate in priority to the Crown. Once passed to the Bona Vacantia Division, the council has no further involvement in this process or the deceased estate.

- 11.3. The council is not responsible for managing the deceased estate and will pass the case to the Treasury Solicitor in accordance with their guidelines for referring estates in Bona Vacantia
- 11.4. If the deceased lived alone, the council is the first creditor to the estate and will use monies from the estate to cover the costs of the funeral.
- 11.5. Where the deceased had part-ownership of a property, the council will put a charge on the property so that costs can be reclaimed when the property is eventually sold.
- 11.6. Any money belonging to the deceased, such as bank accounts, savings accounts, monies from financial investments and insurance policies and pensions will be used to reimburse the council for all incurred costs and expenses.

## 12. Freedom of information

12.1. Once a funeral has taken place, statutory PHF data is published on the council's website (search for 'Public health funerals'). The information provided:

- Date of entry.
- Deceased full name.
- Sex.
- Date of birth.
- Place of birth.
- Date of death.
- Marital status. (If married, maiden name).
- Burial or cremation.
- Burial costs.

12.2. The council will not disclose some details relating to the deceased person, such as their last known address or value of the estate, because this is exempt under [Section 31](#) (1) (a) (law Enforcement – the prevention or detection of crime) of the Freedom of information and Environmental Information Regulations.

## 13. Notes

13.1. This policy is consistent with the following guidance given:

- [Public Health \(Control of Disease\) Act 1984](#)
- [The Institute of Cemetery and Crematorium Management Guidance](#)
- House of Commons Library (Standard Note: SN/HA/6242) document "[Arranging and paying for a funeral](#)".

Environmental Protection Team

South Oxfordshire and Vale of White Horse District Councils

Abbey House

Abbey Close

Abingdon

OX14 3JE

Tel 01235 422 403

[Env.health@southandvale.gov.uk](mailto:Env.health@southandvale.gov.uk)

DRAFT