



Ashfield District Council

Public Health Funeral Policy

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Public Health (Control of Diseases) Act 1984 section 46

Introduction

A Public Health Funeral, also known as an Environmental Funeral is a funeral arranged under the Public Health (Control of Diseases) Act 1984 section 46. This act places a statutory obligation on local authorities to make funeral arrangements for those who die without anybody willing or able to make the arrangements. Although this is a statutory duty, authorities must ensure that the funeral service is appropriate and indistinguishable from any other treating such cases with the utmost dignity and respect.

The Law

46 Burial and Cremation

- 1) 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) Any council which is the local authority for the purposes of the Local Authority Social Services Act 1970 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under part III of the National Assistance Act 1948 by, or by arrangement with, the council or was living in a hostel provided by the council under section 29 of the act.
- 3) An authority shall not cause a body to be cremated under subsection 1 or 2 above where they have reason to believe that cremation would be contrary to the wishes of the deceased.
- 4) Subsections 1 and 2 above do not affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.
- 5) An authority may recover from the estate of the deceased person ... expenses incurred under subsection 1 or subsection 2 above
- 6) Without prejudice to any other method of recovery, a sum due to an authority under subsection 5 above is recoverable summarily as a civil debt by proceedings brought within three years after the sum becomes due.

- 7) The Secretary of State may cause such inquiries to be held as he may deem necessary or desirable for the purposes of this section.

The main paragraphs to note are 1, 3 and 5, i.e. that the local authority **must** make arrangements for the funerals of people who die or are found dead in their area where no other arrangements are being made; that a body should not be cremated if it is likely to be contrary to the wishes of the deceased, and that a local authority can recover their expenses from the estate of the deceased. The law is relatively simple, giving much scope for interpretation as to how the service should actually be carried out.

This policy sets out the approach Ashfield District Council will take in managing this statutory duty and process ensuring anyone who passes in district is treated with respect and dignity.

Referral of Cases

Referrals may come from a variety of sources, including (but not limited to) the Coroner's Office, Police, Hospitals, Nursing, Residential or Care Homes, Family or Friends and Funeral Directors.

A referral form will be completed at the time of initial contact to gather as much information as possible about the deceased.

Family

Families will contact Ashfield District Council if they are unable to afford to make the funeral arrangements. While taking the referral we will make sensitive enquiries as to whether a next of kin is receiving any benefit, in which case they may be entitled to help from the Social Fund. The family should be advised to visit the website www.jobcentreplus.gov.uk or telephone **0800 7310469 opt. 2** which gives information about the type of help available and who is eligible. The benefit status of the deceased is not relevant, only that of the person making the arrangements. The Officer could also forward a copy of the booklet 'What to do after a Death in England or Wales', published by the Department for Work and Pensions (available at www.dwp.gov.uk/docs/dwp1027.pdf), which also gives useful information. If the Officer feels it necessary, the family should be advised to contact the Bereavement Advice Centre (www.bereavementadvice.org or **0800 634 9494**), who can offer impartial advice about how best to proceed. If none of the family are entitled to benefits and are stating that they cannot afford or are not willing to make the funeral arrangements, it will be necessary to explain to them that the authority can make the funeral arrangements, but that their involvement will be limited and that the authority has first claim on the deceased's estate.

A full explanation will be given to the family of what will actually happen, including searching the property to recover any relevant paperwork, money or goods that can be sold to offset the funeral costs.

If the family still request that the authority take on the funeral arrangements, it will be necessary to send them a Next of Kin Consent form.

This form records the consent of the next of kin for the local authority, to make the funeral arrangements, and signifies an understanding that the Council, thus has first claim on any estate and will be legally entitled to reclaim any expenses against it. Although the form is not a legal requirement, a Next of Kin Consent form is required to prevent a challenge from other family members. Should the family be unwilling to provide written consent this should be recorded in the case file, and any funeral forms.

The Coroner's Office or Police

Many cases referred from the Coroner's Office or Police often will have conducted a rudimentary search of the property to locate any next of kin, and they may have discovered a will or other useful documents. They should have removed any cash and other portable valuables (e.g. jewellery) and secured the property. The Council may have to make arrangements to collect any paperwork and possessions from the Coroner's Office or Police Station. It is good practice to contact the Police Case Officer to obtain a case number, and any other information they are able to pass on. When any paperwork and property is handed over, a receipt for such goods will be issued, this should be retained in the case file. Good relationships are established with the local Coroner's Officers and Police Property Officers. Often they can be called upon to offer further help with tracing family, and have powers relating to property and discerning information that are not readily available to local authority officers. In many of the cases referred by the Coroner's Office it has usually already been established that no suitable funeral arrangements will be made by family or friends.

Residential, Nursing or Care Homes

Referrals from Residential, Nursing or Care Homes usually come via the home where the deceased had been a resident, no sum of money has been retained for Funeral Expenses, and there are no relatives or friends willing or able to make the arrangements. The Manager or Home Owner may refer the case to the Council. It is vital that the informant is told that they must not take any possessions from the deceased room, or use any sums of money being held for the deceased to pay any outstanding debts to the home. The first call on any estate is the funeral costs; thereafter, outstanding rent etc. can be claimed from the estate once the funeral costs have been cleared.

The informant should also be asked to gather pension books and other documents such as a will and hold them until Ashfield District Council's Public Health Funeral Officer can visit the home to collect such items.

Once the Nursing Home has contacted the Council, the Public Health Funeral Officer will email a referral sheet to be completed and emailed back before proceeding with any funeral arrangements. The referral sheet must be fully completed; if certain information is not available, this must be documented as unknown. However all reasonable attempts must be made to obtain the requested information.

NB – If a death in a nursing home is expected and does not need to be referred to the Coroner, the home should contact the Council's contracted Public Health Funeral Directors if family, friends or the home itself would make no other funeral arrangements.

The main Residential, Nursing or Care Homes in a local authority's area will be advised on what to do when a resident dies without means or family, including the name and contact details of the contracted Public Health Funeral Directors and details of Ashfield District Council's Public Health Funerals Officer.

Ashfield District Council's agreed Public Health Funeral Directors are A W Lymn, Sutton Branch, 01623 980080.

Hospital

NHS trusts become responsible for funeral arrangements of a person who dies in hospital when

- a) No Relatives are traced;
- b) Relatives are not able to afford the cost themselves and do not qualify for the DWP funeral grant.

Hospitals may refer cases to the local authority where there are relatives who are able but unwilling to pay for the funeral arrangements, subject to formal agreement for the provision of related services by Ashfield District Council.

The referral will normally be made by a Bereavement Officer or similar, and they may have already established useful details. The Hospital Officer will be instructed not to release any of the deceased's property to any family or friends, and arrangements should be made by the Council's Public Health Funeral Officer to collect them at the earliest opportunity. A receipt for anything collected will be given by the hospital and should be retained as part of the case file.

A referral sheet must be completed and emailed back to the Council's Public Health Funeral Officer before any funeral arrangements can proceed. The referral sheet must be fully completed. If certain information is not available, this must be documented as unknown and explanation why such information is not available; all

reasonable attempts must be made to obtain the requested information. Before submitting the completed referral sheet, this must be signed and dated by the responsible Bereavement Officer, who is referring the case to Ashfield District Council.

Funeral Directors

On occasions a Funeral Director may make a referral; usually this is because a family may start the arrangements of a funeral and realise they do not have the funding to pay for the funeral.

Opening a Case File

From the initial referral, details should be recorded so that a decision can be made as to whether or not to progress with a case. An initial referral form should be used with as much information recorded as possible.

At this stage as much information must be recorded about the deceased, for example the address of the property where the deceased lived (if relevant) together with the details of the property owners (landlord) or if the property is owned by the deceased.

The deceased's GP details and any names and contact details of people who want to attend the funeral, and any information required to determine if the case would be progressed

At this stage a case log should be started. This is used to record actions by the officer and documents costs such as funeral cost, the purchase of the death certificates etc. The form should also record any estate recovered to offset these expenses. The Council is legally entitled to recover their expenses from the deceased person (see Public Health (Control of Disease) Act 1984 section 46). The Treasury Solicitor, to whom solvent estates should be referred (see estates below), accepts that reasonable expenses can be claimed from the estate for making the funeral arrangements. The Treasury Solicitor expects a reasonable cost of a funeral by cremation to be £2,000.00 and that of a burial around £4,000.00.

Local Authorities are under an obligation to provide value for money, and are not permitted to spend public money on private concerns, therefore 'expenses incurred' should be interpreted as relating to all costs involved in making the arrangements.

The Council will attempt full recovery of all expenses incurred in making funeral arrangements under the terms of section 46 of the Public Health (Control of Disease) Act 1984 wherever possible. It is also advised that all costs are recorded and accounted for, even when it is not possible to recover any costs. Proper recording of costs and debt recovery will enable the Council to build up a true picture of what it is costing to provide this statutory service.

In some cases it will be possible to ascertain from the initial enquiry whether or not the Council is able to accept the case and continue with making the funeral arrangements. For example, if a Coroner's Officer refers the death of a homeless person with no property and no relatives, there are no further enquires that the authority can make. If there is a property to search, the informant should be told that the authority will make further investigations before consenting to make the funeral arrangements, as the search of the property may reveal a will, or the details of any relatives or friends who may be willing to make the funeral arrangements. In cases where the authority is to make the Funeral arrangements, the Case Officer, to demonstrate why the case has been accepted, should complete a record of decision and authorisation form; this form should be retained as a part of the case files.

Case Register

In order to capture statistics, as well as providing details for any future enquires from family or friends, national surveys or Freedom of Information requests, cases are recorded on a register. This could be in the form of a computerised spreadsheet (for example Microsoft Excel). The local Government Association tend to ask for data relating to the financial year, but the Freedom of information requests normally ask for a calendar year, one advantage of using a spreadsheet is that it is relatively easy to ascertain both sets of data.

The case register should be updated as the case progresses, and should contain as a minimum the following headings:

- Case number
- Date of Referral – the date the case was first referred to the authority
- Receiving Officer – the name of the person taking the initial referral
- Informant Name – the name of the person making the initial referral
- Informant type – e.g. Coroners Officer, Police Officer, Nursing Home Manager, Next of Kin etc.
- Name of the Deceased
- Age of the Deceased
- Sex of the Deceased
- Address of the Deceased
- Place of Death
- Reason for Referral – e.g. no Family, Family Unable, Family Unwilling etc.
- Funeral Arranged – yes or no (some cases will be passed on to family or an executor following a property search)
- Reason or Decision to be declined – e.g. Family or Executor took over
- Date of Funeral
- Burial or Cremation

- Disposal of Cremated Remains – the location where the remains are scattered or the person to whom they were released.
- Value of the Estate - the estimated value of any property and possessions
- Referred to Treasury Solicitor – yes or no
- Expenses incurred – the total cost of the case including officer time & travel, funeral expenses and any other costs such as death certificates, postage etc.
- Expenses recovered – the total amount of any expenses recovered from the estate of the deceased
- Net total – the amount of expenses accrued minus the expenses recovered
- Case closed – once all details of the case have been dealt with and there is no further action required on the part of the authority, the case can be closed and the date of closure entered on the case register

The case register provides an easily accessible summary of information per case, and an ongoing record of the cases carried out each year.

Preparing to Search a Property

When a case is referred, it is important to ascertain from the informant as much detail as possible about the circumstances relating to the property. In cases referred by a Residential or Care Home, arrangements should be made with the Home Owner or Manager to search the deceased's room as soon as possible. Such rooms are normally clean and tidy with few possessions other than clothes and some personal papers and trinkets to search through. In some cases, the rooms maybe shared with another person, so arrangements should be made with the Home Owner or Manager to ensure that the other person is not present during the search. In some cases, the Home Owner or Manager may clear the room before you can arrange a search, in such cases you must stress that you will need to collect any personal paperwork and anything of any value that could offset the funeral costs.

Where family, the Coroner's Office, Police or a hospital refers a case, it may be that the deceased lived in rented accommodation, either through a private landlord, a local authority or a housing association; alternatively, the deceased may have owned their own property.

On occasions a relative or friend of the deceased will wish to be present during the property search. It is necessary to explain to them that they may witness the search, but will not be able to remove any items from the property without the express permission of the Case Officer.

Prior to leaving the office to conduct the search, the Officers should ensure that colleagues are aware of the address they are searching and how long they are likely to be. They should have the appropriate equipment to carry out the search and ensure the risk assessment has been updated if needed.

Conducting the Search

Section 61(1) (d) of the Public Health (Control of Disease) Act 1984 gives Officers the right to enter a property to conduct a search, provided that a 24-hour notice of the intended entry has been given to the occupier. In most cases, it will not be necessary to issue such a notice, but there may be cases where the property is occupied and the occupier is refusing entry. Officers may also seek a warrant from a Justice of the Peace giving authorisation for entry and a search.

Ashfield District Council may take the decision **NOT** to search a property if the following applies:

- If it is a Family home, as this would be too distressing for the deceased's Family
- If the health and safety of the Officers attending are at risk
- If the property has been deemed unsafe / unfit to enter
- If there is a possible biohazard
- If Family / Friends / Landlords have cleared the property prior to the referral

Searches will be carried out double crewed with both Officers working together in each room throughout the search. The main items that are being searched for include;

- A Will
- Funeral Plan
- Last Wishes (this maybe recorded in note books / diaries)
- Life Insurance Documents
- Contact details of Family / Friends / Solicitors (often contained in address books etc.)
- Financial Information (Bank / Building Society Accounts / Pension / Benefit details)
- Identification Documents (Birth Certificate, Passport, Driving Licence, NHS Card)
- Identification of Family Members (Birth, Death, Marriage Certificates)
- Cash or Valuables (including cars) that may be sold off to offset the cost of the funeral arrangements
- Obvious signs of religion

Items that are removed from the property will be placed in bags and recorded on the Items Removed from Premises Form. This should be signed by the Case Officer and a witness where possible; a copy of this should be left with the witness. If the witness is not available, the second Officer can sign the form.

On completion of the search, the Officers should ensure that the property is properly secured, and the keys handed to the relevant person. If a further search is required, or the property contains large items that cannot be removed but may be sold off to offset costs, the keys should be retained by the Officers. It is good practice to inform neighbours once the search is completed, and to ask them if they would like to be kept informed of the funeral arrangements. If so, note down their names and addresses, and give them a business card with the Case Officer's contact details.

Contacting the Family of Friends

In some cases, the property search may reveal a valid will. If so, the named executor will be contacted and offered the chance to take over the funeral arrangements. It must be remembered that the executor may be a relative or close friend who may not know about the death; therefore, sensitivity in any communication must be exercised. Ideally, contact should be by telephone so that the person can ask questions of the Officer. If this is not possible, a letter should be sent to the address given on the will.

Often the executor will be willing to take over the funeral arrangements, especially if there is an estate. In these circumstances, arrangements should be made to hand over everything to the executor, ensuring that a receipt for any property is received and stored as part of the case file. Once the items have been handed over, the Record of Decision and Authorisation form can be completed, and the case closed (enter the date on the Case Register).

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.

If the relative or friend does not want to take over the funeral arrangements, they should be informed that the Council can make arrangements and will claim any costs against the estate. In case of it being a relative, they should be asked if they are willing to sign a Next of Kin Consent form and if so arrangements made to send them one. If they are not willing to sign the form, a record of the conversation should be kept as part of the case file.

Once the Officer has established that the authority is to make the funeral arrangements, the Record of Decision and Authorisation form should be completed, and the next phase of making the funeral arrangements entered.

If a Coroner's Officer or the Police break the news of the death, the Public Health Funeral Case Officer must ensure that they give the relatives the contact details of the Council for further information regarding the funeral arrangements.

There is no legal framework for how the Council should contact relatives. Each case will be different. Good practice is to conduct a search of the property, and talk to neighbours and friends where possible. If any details are found, these should be followed up, preferably by a phone call. If the details are out of date and no contact can be made, there is not much else that the Council is authorised to do. The Coroner's Office or Police may be able to assist, but there is no compulsion for them to do so. For some cases the Coroner's Officer may place a notice in a local newspaper, asking for any relatives or friends of the deceased to come forward.

Another option for tracing family is to use a private tracing company, who should provide this service free of charge. Such companies should be able to confirm the presence or absence of relatives quickly. If relatives are traced via this method, they should be offered the option of taking over the funeral arrangements.

Burial or Cremation

If the Council has accepted responsibility for the funeral, consideration can then be given as to the actual funeral service.

The Public Health Funeral Case Officer will have opened a case file, completed the Case Register and Referral Form, recorded any items removed during a property search, and completed the Record of Decision and Authorisation Form.

Local burial and cremation records should be checked to try to ascertain if the deceased has a burial plot in any of the local cemeteries, or if they acted as an applicant for a cremation. If such records exist, they will help the Public Health Funeral Case Officer to determine the best option for disposal. If the deceased owned the right of burial to a grave, and there is room in the grave, the deceased can be buried subject to the approval of the burial authority.

The information received from the informant, together with any evidence recovered during the property search and in talking to friends and neighbours should allow the officer to understand whether the deceased had any particular religion. Whilst Section 46 of the Public Health (Control of Disease) Act 1984 states that the authority 'must cause to be buried or cremated', it should be noted that particular forms of disposal are forbidden by some religions.

Section 46 states 'An authority shall not cause a body to be cremated where they have reason to believe that cremation would be contrary to the wishes of the deceased'.

If the local authority is a cremation authority, this may be the preferred choice of disposal as it is likely to be more cost effective than burial. Even if the authority is not a cremation authority, this still maybe the cheapest option. The actual choice of funeral is a matter for the authority, but due consideration should be given to any evidence of religion, previous involvement in burial or cremation, law, and financial considerations.

The Council may choose burial over cremation in the first instance due to the possibility for family to coming forward at a later date; they have the option of exhuming the body and making their own funeral arrangements. Such instances are probably quite rare, and the cost and implication of having a burial over a cremation needs to be assessed.

In the case of a cremation, the cremated remains may be given to a relative or friend for private disposal. If cremation is the preferred option then the remains will be buried in a cremated remains plot and recorded appropriately as soon as reasonably practical.

Whatever option is chosen, clear records should be kept that would enable a family to locate the final resting place should they come forward at any time in the future.

Once it has been decided what type of funeral service should be held, the information can be passed to the contracted Funeral Director, so that arrangements can start to be made. A date and time for the funeral should be set with the burial or cremation authority and the Funeral Director, which will be communicated to any relatives or friends who may wish to attend.

It will be the responsibility of the Funeral Directors for the following:

- Appoint an appropriate Officiant to conduct the service and pass on Family / Friends contact details to the appointed Officiant
- Responsible for collecting and delivering Doctors Papers or the Coroners Order to Ashfield District Council Cemetery office at Northern Depot, Sutton in Ashfield.
- Inform the Public Health Funeral Officer of any Jewellery or Valuables that may be with the deceased when collected
- Inform the Public Health Officer of the Funeral Service time and date

The Funeral Director will coordinate the completion of the statutory forms, and make any other arrangements as necessary. If the funeral is to be a cremation service, the Public Health Funeral Case Officer will need to complete the statutory Cremation

forms instruction and application. In the application to cremate, it will be necessary to explain why the Public Health Funeral Case Officer is making the application rather than a near relative or executor. It will also be necessary to state whether there are any near relatives or executors who have not been informed of the proposed cremation, and whether any near relative or executor have expressed any objection to the cremation

If the funeral is to be a burial service, the Public Health Funeral Case Officer will need to complete the burial authority's Notice of Interment (or similar). If the deceased owns the right of burial or there is a family plot outside of the district boundary, the Council will arrange for the burial to take place in such a plot; this will be with prior arrangement with the contracted Funeral Directors and may incur added costs

If a cremation is the preferred choice of the Family or Deceased, the cremation will take place at Mansfield Crematorium.

Registering the Death

If there are no relatives willing or able to register the death, this will need to be done by the Public Health Funeral Case Officer. The law states that ideally a relative should register the death, but make provision for the person causing the disposal of the body to do so where there are no relatives willing or able to register.

If the death has not been referred to the Coroner, it must be registered within 5 days. Most authorities operate an appointment system at the Register Office, so it will be necessary to ring and arrange for a suitable date and time. It is good practice to take the case file with you, as the Registrar will need to know certain information in order to be able to register the death. The doctor who issued the Medical Certificate of the Cause of Death may have sent it directly to the Registrar, but if not the Public Health Funeral Case Officer will need to make arrangements to collect it from the doctor and take it to the Registrar. The Registrar will also need, if available the following:

- Birth Certificate
- Marriage or Civil Partnership Certificate
- NHS medical card
- National insurance number
- Passport
- Driving Licence

Further information required by the Registrar includes the following:

- Date of death and place of death

- The deceased person's full name at the time of death
- Any names previously used, including maiden surname
- The person's date and place of birth (town and country if born in the UK and country if born abroad)
- Their last address
- Their last known occupation
- The full name, date of birth and occupation of a surviving or deceased spouse, civil partner
- If they were getting state pension or any other state benefit

Some of the information may not be known or apply to each case, but as many of the details as possible should be provided to the Registrar. Following registration, the Registrar will issue the Public Health Case Officer with a certificate for burial or cremation (known as the 'green form'). This form is essential and should be given to the Funeral Director or the burial or cremation authority as soon as possible so as not to delay the funeral.

It is important to note that no burial or cremation can take place until the death is registered and the 'green form' has been issued, or until a Coroners 'order for burial' or 'certificate for cremation' has been issued removing the requirement to register the death prior to the funeral.

At the end of the registration of the death, the Registrar will offer to sell a copy of the death certificate – this is a certified copy of what is written in the death register, and is normally needed by banks and building societies, pensions companies, insurance companies etc. to prove that the deceased has died. It is worth considering how many actual copies may be required (in some cases a photocopy may suffice) the cost of a Death Certificate is £11.00. Ashfield District Council will purchase one copy per Deceased. If Family or any other organisation such as a Solicitor requires a Death Certificate, they can be ordered from the Registry Office where the death was registered.

The Funeral Service

Using the information about the deceased gathered during the Public Health Funeral Case Officer's enquiries, the contracted Funeral Director will appoint a suitable minister of religion, humanist or civil celebrant to conduct the service. If there are relatives or friends, they may be contacted to provide background information about the deceased so that a fitting eulogy can be given as part of the service. They may also be asked about the choice of music for the service. If there is no family, the Public Health Funeral Case Officer can select appropriate music based on their background knowledge of the deceased. For example, if it is discovered that the deceased used to be in the Navy it may be appropriate to play Nimrod and the hymn

'For those in peril on the sea'. The service should be structured around the time available at the crematorium or cemetery, normally 20 -30 minutes. If not much is known about the deceased, it will not be possible for a long eulogy to be given, therefore the service may be shorter than this. Either the Funeral Director or the Public Health Funeral Case Officer should make any specific music requests to the cemetery or crematorium at least 24 hours prior to the funeral.

On the day of the funeral, it should not be possible to distinguish a Public Health Funeral from any other. The coffin containing the deceased should arrive at the cemetery or crematorium in a hearse, and be conveyed into the chapel or to the graveside by a minimum of four bearers; (two if a trolley is used) led by a Funeral Director. The Funeral Director should remain in attendance throughout the service.

In all circumstances, the Public Health Funeral Case Officer or another authority representative should attend the funeral, even if there are family and friends present. This shows great respect, and allows the case file to be updated with information about the service, which may be of interest to any future enquirers. A copy of the service sheet should also be retained as part of the case file if applicable

The Estate

The Public Health (Control of Disease) Act 1984 does not confer any powers on a local authority to administer any estate belonging to the deceased. All that the authority may do is claim any funeral expenses, via either cash, the sale of valuables or the realisation of any bank or building society accounts, pension plans or insurance policies.

Throughout the case, a record should be kept of any expenses incurred, including travel, purchase of death certificates, postage and telephone calls etc. These are all legitimate costs that can be claimed back against any estate. In some instances, there will be no estate and it will not be possible to recover any costs. It is still important to record the costs incurred so that a true picture of the cost to the authority of making the funeral arrangements can be gained.

Where there appears to be a significant estate, early reference to the Treasury Solicitor will be made. The guide www.bonavacantia.gov.uk/output/estate-guidelines.aspx gives useful information about estates and entitled relatives, and what to do if there is no will, spouse or civil partner or entitled relatives. In such circumstances, the estate becomes bona vacantia (ownerless goods) and the Treasury Solicitor will undertake the administration of the estate on behalf of the Crown.

Once funeral costs have been met, the estate needs to be referred to the Treasury Solicitor if the remaining net value is above £500.00. If the amount of remaining cash and goods is under £500.00, the authority may retain the amount and are not obliged to refer to the Treasury Solicitor. If there are goods to be sold and the amount

reached is over £500.00, the estate will then need to be referred to the Treasury Solicitor. If there are goods, which are un-saleable, or the value is less than £500.00, the authority may dispose of them as they see fit. Estates can be referred using an online form, or a BV1A can be downloaded from the website for manual completion. As well as the form, the Case Officer will need to send the Treasury Solicitor the following, by recorded delivery:

- All documents of value such as Title Deeds and Stock/ Share certificates
- All birth, marriage and death certificates, old letters, diaries and address books
- Credit / Debit and Store cards – these should be cut in half before sending to prevent misuse
- Bank and Building Society passbooks or statements, insurance policies and premium receipt books
- The funeral bill, authority's expenses and any other bills

The estate can only be referred to the Treasury Solicitor if there is no will and no entitled relatives. Where there are entitled relatives who are unable or unwilling to make the funeral arrangements, the authority should seek their own legal advice about how to dispose of the residue of the estate once the costs of the funeral arrangements have been claimed.

Any other items of value, such as jewellery and property keys etc., should be retained in safekeeping by the authority and advice regarding disposal sought from the Treasury Solicitor.

If there is no estate, it is good practice to write to any known creditors (letters may have been found during the property search) with a photocopy of the death certificate, informing them of the death and the fact that there is no estate. It is also good practice to inform banks and building societies, even if the deceased's account is in debit.

If there are bank or building society accounts that are in credit, a letter should be sent with a copy of the death certificate asking the bank to close the account and forward any amounts due to the authority. Banks and Building societies normally have a department or office dealing with such accounts, and it is very useful to try and ascertain the correct contact details otherwise it can take several weeks before a response is received. A similar situation exists for insurance policies and pension plans, the Public Health Funeral Case Officer will need to contact them with a copy of the death certificate and ask for any amounts owing to be paid to the authority. If any monies paid by such policies and accounts add up to more than £500.00, the case will need to be transferred to the Treasury Solicitor. If the sum is under £500.00, the authority may keep it.

If the authority recovered goods from the property that can be sold, the Council will seek quotes from a minimum of 3 dealers and select the most advantageous price. Some authorities have sold goods on the internet auction sites such as eBay, which ensures that the best price is gained. In some cases, it may not be possible to recover goods for sale, but it is expected that the furniture and items in the property may be of significant value. Quotes should be sought from 3 clearance companies, with the best deal being selected.

If the total of the goods is less than £500.00, the authority may keep the money. If it is over £500.00 it will need to be referred to the Treasury Solicitor.

Ashfield District Council is under no obligation and will not clear property that the deceased lived in. Only items of value will be removed from properties to recover funeral costs, if this is not the case the clearance of the property becomes the responsibility of the property owner. If the deceased owned the property and the case has been referred to the Treasury Solicitor, instructions regarding clearance may be received, in which case the cost can be reclaimed from the estate.

Record Keeping and Information Requests

Good record keeping and a clear audit trail is very important. Comprehensive notes of each case should be kept, and the forms completed at each relevant stage. It should be remembered that relatives may come forward at some point in the future, and may want to be assured of the steps taken to trace them, and the disposal of any property.

Once a case has been completed and no further actions are necessary, the case can be closed and the date of closure noted on the case register. The file should then be retained under the Council's usual document retention policy for a minimum of 7 years. Any bankbooks and credit cards etc. that are no longer required should be securely destroyed. At the end of the 7-year retention period, case files should be securely destroyed, although it is recommended that the case register be kept permanently to provide a basic index of cases carried out to allow easy access to statistics over time.

Any belongings that are of no value which have been removed from the Deceased property or collected on behalf of the Deceased from a Nursing Home, Hospital or Police Station, (such as Photographs / Personal Paperwork or personal belongings etc.) will be retained for 7 years, in line with Ashfield District Council's document retention policy and disposed of after the retention period has ended.

Authorities who carry out Public Health Funerals are increasingly being contacted under the Freedom of Information Act for details of the cases they carry out. The approach to such requests differs among authorities, and Officers are advised to seek their own legal advice from the Council's Information Officer or similar. Data protection laws do not apply to deceased people, but elements of the Freedom of

Information Act can be used to withhold information. For example, the last known address of the deceased could be withheld if the case is still open and there are valuables in the property.

The authority could rely on S.31 (1) (a) of the Freedom of Information Act on the basis, that disclosure of the information would likely to 'prejudice the prevention of crime'.

Some of the information requested may be perfectly acceptable to divulge, such as the number of cases carried out, what is provided at a Public Health Funeral and how much the authority spends on a funeral etc. If the information is in the public interest, is not available elsewhere, does not prejudice the prevention of crime or effective conduct of public affairs, then the information can be released.

It should be noted the Treasury Solicitor regularly publish details of estates valued at £5,000.00 or over, so researchers could be steered towards this source for their information.