

## Funeral Arrangements: Section 46 of the Public Health (Control of Disease) Act 1984

### 1. Purpose

The purpose of this procedure is to set out the departments approach to its duty under:

- i. Section 46 of the Public Health (Control of Diseases) Act 1984; and
- ii. Part 111 of the National Assistance Act 1948.

### 2. Policy and Context

Section 46 of the Public Health (Control of Diseases) Act 1984 places a duty on the Local Authority:

- i. If a person is found dead within the borough or dies in hospital within 24 hours of going in, if it appears there is no other suitable person able or willing to make the funeral arrangements. This applies to people who are resident in the borough and die at home and also to any person who dies or is found dead anywhere within the borough regardless of their usual place of residence;
- ii. If a person immediately before death was being provided with accommodation under Section 48, i.e. had been placed by the Local Authority Social Services Department in nursing care, residential care or hostel accommodation, even if this accommodation is located outside the borough.

The Local Authority should not cause a body to be cremated if there is reason to believe that cremation would be against the wishes of the deceased or their family for religious or cultural reasons.

The Authority may attempt to recover the funeral costs from the estate of the deceased or from any person or Authority who was liable to maintain the deceased prior to death under the National Assistance Act 1948.

### 3. Procedure: Referrals Under Section 46

A referral received informing the department with any of the following scenarios require the CAO to make the funeral arrangements:

- i. A person has died/ been found dead in the borough of Southwark;

- ii. A person who was placed and funded prior to death by Southwark Social Services in nursing, residential or hostel care either in or out of the borough;
- iii. Dies in hospital within 24 hours of going in, and has no apparent next-of-kin, family or friends willing or able to.

### **Referrals are Received Via**

- Coroners Office (If sudden death, cause of death unknown). The Coroner's Officer in charge of the case will email the case history, detailing relevant information about the deceased, contacts (e.g. known family members or friends), reference number (Book 66 no) for property held at police station, etc.
- Hospital (only if deceased had been placed and funded by Southwark Social Services in a Nursing/Residential Home prior to death or was pronounced dead on arrival at the hospital or was a resident of Southwark, the hospital has traced next-of-kin and the hospital has good reason to believe that the relatives could afford to arrange the funeral but are unwilling to do so).
- Hospice/Nursing Home (NB procedure if client placed by Southwark Social Services in Nursing/Residential Home outside the borough - if client has sufficient funds to cover funeral costs, the Home may wish to organise the funeral and arrange for reimbursement of funeral costs from the estate. If the client has no funds, arrange the Local Authority will do so).The arrangements between the Local Authority and the Home will be flexible.

### **Set up Client File - Electronic and Paper**

The CAO must ensure to write up notes on all action taken/contact made at every stage. An updated checklist must be kept on file indicating the stage each case is at.

Keep on file:

- Initial referral form;
- Copies of all correspondence sent or received in respect of client;
- Registration or Notification of Death;
- Copy of Application for Cremation/Burial;
- Funeral invoice;
- Details of bank/building society accounts;
- Details of benefits paid to deceased and local DSS office dealing with claim;
- Receipts for any monies banked by Council in respect of deceased.

The CAO must also maintain an Excel spreadsheet detailing a log of all referrals made to the Council under Section 46.

## Collection of Personal Effects

The CAO will collect any personal effects, valuables, monies, keys, etc. from police station, hospital or hospice.

The deceased's home may already have been subject to a search by the police. If so, any property removed will be held at the local police station under a 'Book 66' property reference number. It may be necessary to contact the Officer at scene for authorisation to collect the property. In other circumstances, property may be held by hospital or hospice. When collecting property, particularly when there is money involved, a second officer should accompany.

Any monies belonging to the deceased should be banked (held in the Council's banking system under Money Found On). Conduct a search of the deceased's usual place of residence.

## Searches

When conducting search of deceased's home, information needed to be gathered:

- Details of family and friends;
- Will of the deceased;
- Birth certificate, passport, Bank details, jewellery etc

If keys to property are not held by hospital or police, contact landlord who may have key. If not landlord will need to arrange for forced entry and lock change.

Searches must be conducted by the CAO and another member of staff from the Business Unit along with a Housing Officer/warden of SHU/member of staff from Nursing Home/relative/friend of deceased. **No searches should be conducted by the CAO alone.** When inside the property both people should stay together at all times. No one attending the property should be left alone. No one should enter the property on their own as this would make them vulnerable to allegations of theft.

Where there is any reason to believe there may be risks associated with entering a client's property a full risk assessment should be carried out prior to the visit. All action identified to reduce risk must be taken.

Prior to a search the CAO to ascertain the condition of the property and if required engage specialist cleaners prior to entering.

In all instances to wear gloves, overalls and hats as required, when entering the property.

An inventory of items and securities (including any monies) brought back to the office is made. These items should be in clearly labelled envelopes/packages and stored securely, usually a departmental safe or lockable store room. These will be given to

the client's next of kin or their representative once they have signed an indemnity form.

The original inventory should be filed in the client's case file and a record of the home visit with names of the people who attended the search made.

### **Following Search**

Draw up inventory of monies, items and correspondence collected during search.

Count any monies and bank. (under Money Found On). Retain receipt on file.

Store securities and any property in the safe or lock in cupboard as appropriate.

If any pets at property make arrangements for them to be temporarily looked after as appropriate. Contact Battersea Dogs Home.

If details of N.O.K./relatives/friends found, inform Coroner's Officer in charge of case who will either contact them or arrange for the police to visit.

If deceased has a bank, building society, private pension or life assurance policy, contact the relevant organisation and try to establish amount available for funeral expenses. A copy of the death certificate may be requested before this information can be given. (When a Coroner's inquest into the cause of death is to be held, an interim death certificate can be obtained from the Coroner's Officer in charge of the case).

### **If there is a Next of Kin**

If next-of-kin or Executor of Will is found who is willing and able to take over affairs and make funeral arrangements need to arrange transfer of any securities/personal effects already collected and held by Council. Advisable to request proof of ID, or letter from solicitor dealing matters, before handing over and obtain signed indemnity form detailing items held. If monies held over £5000, next-of-kin or Executor of Will, will need to apply to the Probate Registry for a Grant of Representation. Monies over this amount should be handed over only on receipt of this Grant.

The CAO will advise the NOK to seek legal advice.

A relative or close friend who cannot afford to make the funeral arrangements may be entitled to claim a Funeral Payment from the DSS Social Fund. This should always be explored if there is a relative/close friend of the deceased whose only reason for not making the arrangements is financial.

Someone would normally qualify for the Funeral Payment if:

- They receive a qualifying benefit (Income Support, Jobseekers Allowance, Housing Benefit, Council Tax Benefit, Working Families Tax Credit or Disabled Persons Tax Credit);

**and**

- They are a relative or close friend and there is no closer family member who was in closer contact with the deceased.

If no appropriate person (i.e. relative, friend, executor of will, manager of Nursing Home) is willing or able to make the funeral arrangements, the Council has a duty to do so.

### **Keys**

Keys can be returned to the landlord once the search/s have been conducted and all moveable items of value have been removed, so long as it is apparent that there is no next-of-kin. A copy of the death certificate is usually also requested by the landlord.

All Southwark Council Neighbourhood Housing Offices should be aware of the procedure to be followed in the event of deceased tenants with no next-of-kin. Housing Officers should not enter the premises (unless to make secure after a forced entry, although in this event the police usually secure the premises) and cannot clear the property until a search has been conducted by Social Services and they have sought authority to do so. (There may be exceptions to this, for example if the property is a health and safety hazard, but in this event Social Services should be contacted first).

Housing Associations and private landlords may have their own procedures. However, they will be advised by the CAO that they cannot enter the property until the CAO has carried a search.

### **Registering a Death**

If there is no one suitable who is able or willing to make the funeral arrangements, the Council must do so. Before doing so, the death must be registered. Information is provided to the Registrar under the capacity of "person causing the body to be cremated/buried".

Most referrals to Local Authority come via the Coroner who issues an 'E Certificate' direct to the Registrars. If the Coroner is not involved (usually because the person died in hospital or Nursing Home and death was expected, not sudden) it will be necessary to obtain the medical certificate indicating cause of death. This will come either from the hospital, Nursing Home or direct from the hospital doctor or G.P. who signed certificate.

Register the death at the Register Office in the Borough where the person died.

### **Southwark Register Office *if***

- Person died at home (Southwark resident).

An appointment will have to be made to register a death. The following information regarding the deceased should be taken when registering a death:

- Medical certificate of death issued by doctor (unless Coroner involved – see above);
- Full name;
- Address;
- Date of Birth and place of birth;
- Details of when and where death occurred;
- Occupation (if known);
- If married woman, maiden name (if known);
- If married woman, husband's name and occupation (if known);
- Deceased's NHS number (take along medical card if available).

If a Coroner's inquest into the death is held, it will not be necessary to register death as the Coroner's Office will do so, after the inquest has been held. The Registration or Notification of Death (BD8 form for the DSS) will still need to be collected and, if necessary, a full death certificate following the inquest. An interim death certificate can be provided by the Coroner's Officer in charge of the case if one is required before the inquest.

Once the death has been registered, the informant is given the Registration or Notification of Death (BD8), a free certificate which needs to be sent to the DSS. A full death certificate can also be purchased if necessary. It is usually only necessary to obtain a full death certificate if the deceased has funds or assets (e.g. bank or building society account, personal or occupational pension, insurance policy, etc.) to recover the funeral costs. The informant will also be given a green 'Certificate for Cremation/Burial' unless the death was dealt with by the Coroner and a cremation is to take place.

### **Arranging a Funeral**

The London Borough of Southwark use the contracted funeral directors.

The Contractor to conduct basic Council funerals at a basic cost. Other funeral directors may provide their services at a reduced cost if a more local service is required.

Extra costs can be incurred for the following items:

- Minister's fee;
- The requirement of doctor's papers for cremation, place where cremation or burial will be held;

- Additional transport, into church fee, etc.

The funeral service arranged includes:

- Collection of the body from public mortuary, hospital or Nursing Home to funeral directors premises;
- Coffin with engraved name plaque;
- Hearse to transport coffin to Crematorium/Cemetery;
- Minister to conduct short funeral service before committal;
- Crematorium or Cemetery fees.

The costs involved in each funeral are as follows:

- Funeral directors cost.

The funeral directors pay disbursements as necessary on our behalf for the following:

- Cremation cost;
- Burial cost;
- Doctor's papers;
- Minister's fee;
- Congestion charge.

A simple spray of flowers is usually provided as part of the basic service.

If a client is known to have funds that will cover more than the basic service (e.g. as confirmed by bank, building society, pension company, available cash discovered during police or Council search, etc.). then a private funeral should be arranged. It is advisable to limit the amount spent on funerals arranged by the Council to the cost of a basic funeral regardless of the amount of funds available (although the inclusion of flowers and a car for mourners may be considered reasonable depending on the circumstances). The reason being accountable to the next-of-kin who may benefit from the client's estate.

The Council makes arrangements for the funeral due to the absence of a next-of-kin. If a client dies with an estate worth more than (depends on the current rate) - after the funeral expenses have been paid, the Council will forward the relevant information about their finances to the Treasury Solicitor who will conduct their own search (through advertisements in local press, etc.). to trace relatives who may have a claim on the estate.

It is usual for a cremation at Honor Oak Crematorium unless or religious, reasons.

For Council funded funerals, if the deceased or their family require a burial in the public grave at Nunhead Cemetery this can be arranged. It should be explained to any

family members that up to six people may be buried in each grave which are on land owned by the Council. It will not be possible to erect a headstone or plaque.

In exceptional circumstances, if the deceased has sufficient funds and there is a family member (who is not able to arrange the funeral themselves) who wishes a private grave to be bought, this can be arranged on their behalf.

### **Procedure for Booking Funerals**

Inform the funeral directors that a funeral is required, making clear whether it is to be a cremation or burial.

The funeral directors will also need to know whether it is a Coroner's case. If so, and if a cremation is to take place, they will arrange to collect the Certificate for Cremation (E Certificate) directly from the Coroner's Court. If the Coroner is not involved (i.e. because client died in hospital or Nursing Home) or a burial is to take place, the Certificate for Burial/Cremation will be given by the registrar following registration of death and must be delivered to the cemetery or crematorium with the 'Application for Cremation' or 'Burial Order' (see below).

The CAO will provide the following information about the deceased:

- Full name;
- Address;
- Date of death;
- Date of birth or age at death;
- Religion (if known);
- Where body is currently held.\*\*

If the person died in a Nursing or Residential Home (and was not taken to hospital at any point but certified dead by a doctor at the Home) the Home usually makes arrangements for the body to be collected directly by the funeral directors. All Homes should be under instruction that in the event of the death of a resident placed by Southwark Social Services, the funeral directors currently contracted should be contacted to collect the body.

The funeral directors contact Crematorium/Cemetery to book the funeral. The CAO will be informed of the date and time.

If a request is made for a particular church or minister, the CAO will endeavour to make arrangements appropriately by requesting the Funeral Undertakers to liaise with the relevant people. If the deceased's religion is known, then every effort is made to ensure that the officiating minister will be from that religion or denomination.



When the details of the funeral has been arranged, complete the Application for Cremation or Order for Internment. This will need to be countersigned. The Application for Cremation will also require instructions for disposal of the cremated remains. If relatives or friends are known, they may wish to collect the ashes.

The current Funeral Directors will store the ashes until they are requested to dispose of them.

The completed form is submitted to:

- The Superintendent & Registrar;
- Cemeteries and Crematorium Office;  
(One office deals with both cremations and burials).

'E Certificate' (certificate for cremation or burial) is collected by funeral directors from Coroners Court if death was a Coroner's case and taken by funeral directors to the Crematorium Office. If it is not a Coroner's case, this certificate will have been given when registering the death and in this case should be submitted to the Cemeteries and Crematorium Office with application form.

An invoice is forwarded to the CAO from the Funeral Directors for cost of funeral as per agreed cost.

Notify in writing anyone who may be interested in attending the funeral of time, date, place and funeral directors making arrangements in case they wish to send flowers.

The CAO may occasionally attend the funeral for monitoring purposes.

The funeral invoice is either paid through SAP or, if the deceased has sufficient funds and or there is a prior agreement, forward the invoice to the relevant organisation (e.g. bank, building society, insurance company) for payment. An original death certificate will be required if another organisation is paying the invoice, for their records.

#### **4. Health and Safety and Risk Management**

The CAO's visit details are recorded on an electronic calendar.

See procedure for carrying out the search.

CAO should drive to and from property when conducting searches as this is safer for transporting any monies or valuables found back to the office or the cash office.

If no access to car when conducting a search, phone for a taxi for transport back to the office if valuables are collected.