



Public Health Funerals Policy

Public Health (Control of Disease) Act 1984

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Council priority	Linked?
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Healthier and safer communities	Yes
A greener and cleaner environment	No
Restoring our Council to good health	No
We ♥ Castle Point	No

Links to other strategies and policies:

- **SMART action plan included:** No
- **Name of Lead Officer responsible for implementing the action plan:**
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- **Name of Lead Member and Member body responsible for monitoring implementation of the action plan:**
 - Cllr Rob Lillis, Portfolio Holder for Health, Wellbeing and Housing
 - Cabinet
- **Equality Impact Assessment undertaken:** Yes.
- **Sustainability appraisal undertaken:** No.

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GLOSSARY

Term	Definition
Coroner	Official who examines the causes of a person's death
Estate	A legal term for the sum of a person's assets – This includes all money, the legal rights, interests, and entitlements to property of any kind – less all liabilities at a given time.
Executor	Individual appointed to administer the last will of a deceased person and carry out instructions to manage their affairs
Will	A legal written document that specifies where and to whom a person wishes their property and possessions – known as their 'estate' – to be distributed in the event of their death

1. Introduction

- 1.1 Public health funerals are provided by local authorities for people who have passed away and have no next of kin, or whose next of kin, relatives or friends are unable or unwilling to make the necessary arrangements for a funeral. They are designed to protect public health and are important in ensuring that all individuals are treated with dignity and respect, regardless of their circumstances.
- 1.2 Local authorities have statutory duties under the Public Health (Control of Diseases) Act 1984 ('the Act') to discharge this function.
- 1.3 This Policy is intended to provide guidance on how Castle Point Borough Council ('the Council') 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 and will be respected at all times.

2. General Approach

- 2.1 The Council is responsible for arranging a burial or cremation where a person has died or is found dead within the Castle Point Borough area (whether they are residents of the Borough or not), and it is apparent that a burial or cremation would not otherwise be arranged.
- 2.2 The Council will initially consider whether the funeral can be organised and funded by the next of kin, Executor of the Will of the deceased, or other known individuals, such as family members.
- 2.3 Castle Point Borough Council cannot arrange a public health funeral if the deceased lived in the Borough but died within the administrative boundary of another council as the statutory duty will fall on that relevant council.
- 2.4 If the deceased died whilst living in a care/nursing home, the home 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 Wherever possible, the Council will seek to recover the expenses incurred in the provision of a public health funeral from any estate of the deceased, to mitigate the financial cost to the taxpayer. This can also include any reasonable ancillary costs including time spent arranging death, funeral and administration costs - which would include officer time (<https://www.gov.uk/government/publications/public-health-funerals-good-practice-guidance/public-health-funerals-good-practice-guidance#recouping-costs>).

3. Referrals to the Council

- 3.1 Referrals are often made to the Council via the Coroner's Office; however, local care homes may also refer to the Council directly on the death of a

resident, should the identity of the next of kin be uncertain or unknown to them. Referrals may also come from families or relatives of the deceased where they are unable or unwilling to make the funeral arrangements themselves.

- 3.2 If a person's death has not already been registered, then the Council will make the arrangements to do so with the Essex Registration Service as soon as practicable. One copy of the Death Certificate is obtained and the cost recovered from the deceased's estate, if possible.
- 3.3 There is no legal requirement to locate next of kin; however, the Council will make reasonable enquires to trace a next of kin where this is not already known. This may include carrying out a search of the property of the deceased to locate a Will and/or other written records such as address books, making use of the national Will Register search, the use of Council information systems such as Council Tax records, and Electoral Roll, making enquiries amongst known friends, neighbours and care home staff / social workers (if appropriate,) and the use of 'Heir Hunter' services, such as Estate Research and/or Finders.
- 3.4. The extent and time allocated for 'reasonable' enquiries / searches will depend on the exact circumstances of each case. If necessary, a decision on this will be agreed on discussion between the Case Officer and a Senior Officer and/or Manager. Details of the searches that have been completed and the reasoning behind the decision to stop searching (such as enquiry avenues exhausted / excessive time expended) being recorded on the case file.
- 3.5. If a next of kin is traced and is found not to have the capacity to make informed decisions, such as persons with advanced dementia, further additional reasonable enquiries will be undertaken to attempt to trace extended family members in addition to next of kin, if they are not already known.
- 3.6 If the next of kin or other family members are unable or unwilling to make suitable funeral arrangements, the nearest surviving relative, with capacity, will be required to sign a declaration 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.
- 3.7 Where the Council is asked to undertake the funeral by a next of kin due solely to financial circumstances, they may be entitled to help from the Social Fund administered by the Department for Work and Pensions, if in receipt of certain benefits. The Council will bring this option to the attention of the next of kin and signpost to the Social Fund (and any other options that may be available), where this is appropriate to do so.
- 3.8 Where a next of kin cannot be located after making reasonable searches, and there are no other persons found willing / able to do so, the Council will carry

out the necessary funeral arrangements and will aim to recover costs from the deceased's estate.

- 3.9 When a death is registered, the Registrar will provide a unique reference for the 'Tell us Once' service, whereby multiple public sector organisations can be informed of the death at the same time. This service will be used by the Council, where possible, or the code passed onto the Executor, or next of kin, if they are making the arrangements.

4. Property Searches

- 4.1 Where necessary, a search of the property of the deceased will be undertaken, to assist with the tracing of a next of kin and/or to seek information as to the value of the estate of the deceased. This will usually include searching for useful documents such as a Will, passport, bank statements, address books, etc., and taking custody of any cash or items of value that may be able to be used towards the cost of the funeral.
- 4.2 Following the completion of any search, the property will be secured. If this involves changing locks or windows if Police/paramedics/locksmith have had to break into the property, all costs will be recovered from the Estate, where possible.
- 4.3 Any item(s) secured by the Council will be securely stored and retained for a period of 6 months from the date of the funeral, before being disposed of. Where someone other than the Council takes responsibility for the arrangements, such as when a Will and Executor are found, any possessions removed from the property will be signed over to that person.
- 4.4 The Council is not responsible for clearing or cleaning the property of the deceased under any circumstances.

5. Last Will and Testament

- 5.1 Where a Will is established, the funeral arrangements will be passed to the Executor, and no further action will be taken by the Council.
- 5.2 If the Executor is not prepared to take over the funeral arrangements, they will be asked to provide a formal renunciation of the Will.

6. Death where assets are available

- 6.1 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 bank and/or building society accounts, property, and personal possessions such as jewellery, etc.
- 6.2 Where the deceased has an Estate, the Public Health (Control of Disease) Act 1984 specifically allows the Council to seek to recover the 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.

- 6.3 The authority is not empowered to recover costs from any source other than the deceased's Estate.
- 6.4 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:
- a. the remaining estate is valued at over £500;
 - b. there is no evidence of a valid Will; and
 - c. 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).

- 6.5 A Public Health Funeral does not cover the cost or arrangement of:
- a. Execution of a Will
 - b. Disposal/Administration of the Estate
 - c. Instigation of a funeral plan
 - d. Clearance of property.

7. Funeral Arrangements

- 7.1 Once the Council has accepted a case, it will deal with all aspects of the organisation of the funeral, including dealing with the Funeral Director to make suitable arrangements, and paying for the funeral.
- 7.2 All funeral arrangements must be cost-effective and offer value for money for the public purse, whilst maintaining the dignity of the deceased at all times.
- 7.3 A public health funeral arranged by the Council consists of the following:
- a. collection of the deceased
 - b. preparation of the deceased
 - c. simple coffin
 - d. hearse and bearers for funeral
 - e. Funeral Director's arrangement and attendance at the funeral
 - f. burial or cremation fee
 - g. scattering or retention of the Deceased's ashes
- 7.4 To ensure cost effectiveness, unless there is a Will stating otherwise a direct cremation would take place whereby the crematorium would select the date and time of the cremation and it will not be possible for next of kin, friends or relatives to attend.

8 Cremation

- 8.1 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 will be arranged.
- 8.2 If a cremation takes place and the next of kin / family are known, the ashes of the deceased person can be provided to family (or friend with family

permission), at no cost to the family or friends. The ashes will be collected from the Funeral Director. If the ashes are not requested, representatives of the crematorium, on behalf of the Council, will scatter them in their Garden of Remembrance.

- 8.3 Ashes will be kept for 3 months from the date of the funeral, unless an alternative date has been agreed with the Funeral Director, to allow for collection by family. Unless there are exceptional circumstances, if they are not collected within this timeframe, then arrangements will be made to scatter the ashes in the Garden of Remembrance.

9 Burials

- 9.1 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.
- 9.2 If a burial is required and the deceased did not own a grave, then a burial will be arranged at a suitable location to be chosen by the Council.
- 9.3 Memorials will not be provided by the Council for graves, but family members may be able to arrange this directly with the cemetery, if required.

10. Ceremony

- 10.1 A funeral organised by the Council will not routinely involve a ceremony.
- 10.2 If, during investigations into the deceased, it becomes apparent that they had a strong religious faith of whatever denomination and that their wishes would have involved a ceremony in some form, at the discretion of the Council a short service can be arranged. Where necessary, a leader from the relevant faith group, or civil celebrant, will be contacted to discuss and advise on any faith requirements or rituals and be invited to attend.
- 10.3 The next of kin will be informed of the time and date of the venue ahead of the funeral.
- 10.4 The cost of the service, including officer time and administration costs, will be claimed from the deceased's Estate, wherever possible.

11. Timescales

- 11.1 All actions will be taken as soon as practicable after referral, considering guidance from the Human Tissue Authority on body storage, religious faith or belief of the deceased, involvement of the Coroner, who may need to release the body from their own enquiries before further action can be taken and the general work priorities of the Service as a whole.

12. Records

- 12.1 From the point of referral, ongoing records of each funeral will be kept by the Council using a standard form - this and other extended details, such as funeral costs receipts / arrangements, and details of searches undertaken to trace a next of kin - will be logged onto the service database.
- 12.2 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 records will be retained under the Council's usual Document Retention Policy for a period of 6 years.
- 12.3 A case register, providing basic details of public health funerals that have been undertaken by the Council, is located on the Castle Point Borough Council website.

13. Contact

- 13.1 Persons requiring advice, or wishing to make a referral regarding Public Health Funerals should contact:

Environmental Health & Licensing, Castle Point Borough Council, Kiln Road, Benfleet. SS7 1TF.

Email: environmental_health@castlepoint.gov.uk

Telephone: 01268 882200