



## **Public Health Funerals - Policy Statement**

### The Law

#### **England and Wales**

S46 of the Public Health (Control of Disease) Act 1984 obliges local authorities to cause to be buried or cremated the body of any person who died or was found dead in their area where no other arrangements have been or are being made.

Much of the 1984 Act has been superseded by the Health and Social Care Act 2008, but S46 remains in place.

#### **Scotland**

In Scotland S50 of the National Assistance Act 1948 places the same duty on local authorities.

### Interpretation

The law does not require a local authority to make funeral arrangements but rather to dispose of a dead body by burial or cremation. The title of the Act indicates that this is a public health protection issue rather than a social care or welfare issue, ie it is designed to ensure that any 'unclaimed' bodies are disposed of to prevent them becoming a threat to public health.

The law does not specify where in a local authority this function should sit. In some it is placed within an environmental health or environmental services department, and in others it is within a bereavement service. It can also sit within social services, legal or finance departments.

Each local authority can define its own policy and standards, and practices vary around the country.

It has become apparent in recent years that the number and nature of Public Health funerals has changed. In 2015 the BBC conducted a survey of local authorities using a Freedom of Information request and found that the number of cases had rise by 11% since 2011. It has also been reported that the number of cases carried out where there is family, but the family can't or don't want to be involved, has risen sharply. It is assumed that this is as a result of increasing funeral poverty and a corresponding lack of increase in the Funeral Payment from the Social Fund. Further, the nature of funeral directing businesses has changed in recent years, with most funeral directors now requiring a deposit to cover disbursements, which can amount to several thousand pounds. If families cannot afford the deposit, they are unable to engage a funeral director, and therefore face limited options for making funeral arrangements.

The ICCM is sympathetic to those affected by funeral poverty and understands there are occasions where families have no other option than approaching the local authority to make arrangements for them. The local authority route should not be used by families who can afford to make other arrangements but choose not to – it is not a free alternative to a family's moral responsibility to care for their own family members.

The ICCM believes that relevant local authority officers should be knowledgeable about funeral options in their area, and should be able to advise families accordingly. They should also be able to advise families about the Social Fund Funeral Payment and other sources of help and support.

The ICCM believes that local authorities should consider ways of mitigating funeral poverty through fair fees and the provision of affordable options such as direct cremation, reduced cremation fees for certain times of the day, and the provision of a municipal funeral service, either directly or through a contracted funeral director.

The ICCM believes that local authorities should have a policy that clearly states what a disposal under S46 includes, and what the level of any family involvement is.

The ICCM believes that:

- The authority's public health funeral policy should be published on their website
- Clear contact details for anybody wanting advice about or seeking a public health funeral should be published on the local authority website
- The authority can choose the method of disposal (except that para 3 of S46 specifies that a burial must be arranged where cremation would be contrary to the wishes of the deceased), but should give due consideration to religious and cultural requirements where possible
- The authority can choose the date and time of the funeral
- The authority can choose whether a service is conducted and by whom. Where a service is held, family or friends should be allowed to have an input into the service, eg choose music, provide details for a eulogy, where this does not result in extra cost for the authority. The religious and cultural beliefs of the deceased should be respected as much as possible
- Any person who approaches the local authority to enquire about a public health funeral should be treated with courtesy and respect
- Insensitive terms such as pauper and destitute should be avoided
- Anybody who approaches the authority should have all the options regarding alternatives and access to benefits or other support explained to them
- Anybody who enquires about a public health funeral from an authority should receive a copy of their policy and have it explained to them in a clear manner. If the local authority is then asked to make the arrangements, the person requesting this should sign a consent form stating that they understand and accept the terms of the policy
- The authority should inform family and friends of details of the funeral and allow them to attend
- If a cremation is chosen, the authority should allow the ashes of the deceased person to be given to family or friends if requested, at no cost to the family or friends. Where family or friends wish to collect the ashes from the crematorium, the authority officer acting as the Applicant for the Cremation should nominate them to do so on the Application for Cremation (Form 1). If the ashes are not requested, the authority should scatter or inter them in their garden of remembrance and record the location
- If burial in a public grave is chosen, the authority should not use the grave for the burial of another deceased person until at least 12 months has elapsed. This will give time for family to come forward, who may then wish to make other arrangements
- The authority should seek to recover their full costs in making the arrangements from the estate of the deceased where one exists. The authority is not empowered to recover costs from any source other than the deceased's estate.

**INSTITUTE OF CEMETERY & CREMATORIUM MANAGEMENT (Inc)**

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Founded 1913 – Incorporated 1958

London Register No. 610299