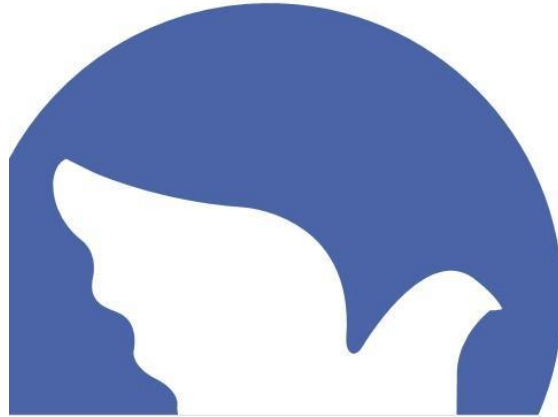


ICCM



Statutory Duties on Local Authorities for
Arranging Funerals under Section 46 of
the Public Health (Control of Disease) Act
1984 in England and Wales

GUIDANCE

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Introduction

Section 46 of the Public Health (Control of Disease) Act 1984 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 should also be aware they have a moral duty to treat such cases with the utmost dignity and respect, and to ensure that the funeral service is appropriate and indistinguishable from any other. Gone are the days of the 'pauper burial' in mass common graves, and the stigma of dying without sufficient funds to ensure a respectful funeral.

Until now there has been little formal guidance or training for those local authority officers making the arrangements for funerals under the Public Health Act. Often officers are given the role without any support or help and are expected to get on with the job. Cases can be incredibly complex and emotionally draining, but often officers can feel isolated and unable to seek guidance from colleagues due to the specialized nature of the work involved.

The ICCM has published this Guidance and developed training to help such officers, wherever they may be placed in a local authority, to deliver excellent services with compassion, professionalism and competence.

Contact details

Further information and assistance with specific questions are available from:

ICCM National Office
City of London Cemetery
Aldersbrook Road
Manor Park
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E12 5DQ
Tel 020 8989 4661
Email enquiries@iccm-uk.com
Website www.iccm-uk.com

This Guidance has been produced by the ICCM using material and examples from several authorities in England and Wales. Particular thanks go to Ian Quance of Exeter City Council, and Bournemouth Bereavement Services. Please note that this document represents best practice guidance, but cannot cover every eventuality, and authorities are advised to seek their own legal advice regarding individual cases where required.

Background

As with many aspects of death and funerals, there are misconceptions about services arranged under the Public Health Act 1984. Traditionally they are associated with ‘paupers’, i.e. those without the means to pay for a funeral. In reality, however, the deceased may have been very wealthy, and several cases around the UK have involved people with millions of pounds worth of assets. It is also often assumed that the deceased was homeless, and had no relatives or friends, but again this is commonly not the case. The deceased may have owned or rented a property, and often there are relatives and friends either without the means or the desire to make the funeral arrangements.

The different terms often applied to such funerals are, in the main, inappropriate, offensive and no longer relevant. Terms such as ‘pauper funerals’, ‘destitute deaths’, ‘contract funerals’, ‘council funerals’, ‘Welfare funerals’, ‘Section 46 funerals’ etc. should not be used when referring to such cases. There is no term that does not have some unintentionally negative connotation, but Public Health funeral is perhaps the least offensive and is already quite widely used (see, for example, the Local Government Association’s survey of Public Health Funerals 2010).

The ICCM recommends that the term Public Health funeral is used to refer to funerals arranged under Section 46 of the Public Health (Control of Disease) Act 1984.

Although the law specifies that authorities must make funeral arrangements when none would otherwise be made, it does not specify where in the authority this responsibility should sit. Most commonly the duties are carried out by Environmental Health Officers, although in some authorities the role has now been passed to a Bereavement Services department (cemeteries and crematoria). As the arrangements will commonly involve dealing with bereaved people, the officers carrying out the duties must be suitably trained in customer care issues and be aware of the sensitivities involved in what can be very complex cases. It could therefore be argued that the role sits more naturally within a Bereavement Services arena, where staff deal with sensitive bereavement issues on a daily basis. Further, this would allow easy access to burial and cremation records that may be useful in tracking down relatives or grave ownership relating to the deceased. However, there is a public health element to the role on top of the specification of Section 46 – many of the properties where the deceased lived (and possibly died) are in a very poor state of hygiene (those who have seen the Life of Grime series on television will be familiar with some of the things that officers may face when searching a property). It could therefore be argued that the role is more appropriate to an Environmental Health department, as officers will have knowledge of and be trained in environmental hazards caused by rubbish build up etc. Alternatively it could be argued that the role would be more fitting for a Social Services department, as the deceased may have been involved in some type of social care. The department would therefore be likely to hold files and information relating to the deceased that may be useful in helping to track down relatives, or give an indication of any funeral wishes.

Regardless of what department the authority decides should take on responsibility for Public Health funerals, it is essential that there is close cooperation between all the departments concerned. In cases where it is not the Bereavement Services, it is good practice for the organizing department to check with them whether the deceased owned a grave, or was the applicant for a burial or cremation. This may reveal information that would otherwise be missed, help ensure that the deceased has a fitting funeral, and may save the authority money, e.g. if there is an existing grave to

which the deceased is entitled to be buried. Social Services should also be contacted to see if there was a file on the deceased that may contain useful information.

The ICCM recommends that, regardless of which department is responsible for making funeral arrangements, Bereavement Services, Environmental Health and Social Services work closely together to find out as much information as possible about the deceased to help trace any family or friends or to ensure that any funeral wishes are complied with (wherever possible).

Key Statistics

In 2010 the research team of the Local Government Association conducted a survey on funerals arranged under the Public Health (Control of Disease) Act 1984 by local authorities in England and Wales. (*The Act does not apply in Scotland, but Scottish authorities are under a similar obligation by virtue of Section 50 of the National Assistance Act 1948.*)

The research team estimated that 2,200 Public Health funerals were carried out by English and Welsh authorities in the financial year 2009/10. Of these, around 1,500 were carried out by English single tier authorities (metropolitan, unitary and London Boroughs) and 700 by District councils and Welsh authorities. On average 12 funerals per year are arranged by English single tier authorities, and three by Welsh authorities and English district councils. There is, however, a great variation in the numbers conducted, especially within the English single tier authorities, where five authorities arranged between 57 and 258 funerals in 2009/10.

Most of the funerals arranged were for men, and over half were for people over the age of 65.

Most of the funerals arranged were cremations (a total of 76%), and the majority of authorities indicated that this was unlikely to change in coming years.

The total spend on Public Health funerals in 2009/10 is estimated as £1,560,000, with an average cost per funeral of £959. One authority had spent £368,682 on arranging public health funerals.

In times of increasing government cuts to local authorities it is essential that Public Health funerals are carried out efficiently and cost-effectively, and that all costs are recovered wherever possible.

Policy development

Local authorities are encouraged to develop a policy framework within which arrangements for Public Health funerals can be made. The policy, which should be made available to members of the public via the authority's website or by leaflet, should acknowledge the sensitivity of the subject matter and make assurances that the deceased will be treated with the utmost respect. The policy also needs to be factual, and to signpost people to help with funeral costs via the Social Fund (information available at www.jobcentreplus.gov.uk) - this may prevent some cases being referred to the Council if families are aware that they can receive help with funeral payments. The policy can also explain that family and friends may attend the funeral and assist in forming the structure of it (e.g. through choosing appropriate music or readings). It must be made clear, however, that family

cannot ask for 'extras' that are not included in the contracted funeral service, and that all costs will be recovered from the estate of the deceased, wherever possible. It should also be stressed that the Council cannot repay any costs of funerals already arranged and/or held where arrangements were made by family members.

The language used in any policy or other publicity material must be appropriate and jargon free. People reading the policy are likely to be bereaved and possibly in a vulnerable state, and may be experiencing many emotions such as guilt or anguish over their inability to make funeral arrangements. It must be remembered that there is a whole host of reasons why a person may not be willing or able to take on funeral arrangements. They may be financially challenged, although not enough to receive benefits that would make them eligible for bereavement payments; they may be physically incapable through illness, disability or geography; they may have been estranged from the deceased and unsure about whether they should take on the responsibility. The policy must be worded so that it is factual and non-judgmental.

Due to the potentially complex nature of some cases, the policy can only be a framework, and flexibility needs to be retained to respond to unforeseen circumstances. The framework also needs to take account of –

- Officers only doing what they need to do – it is easy to get involved in aspects of cases that are not strictly necessary. Such 'mission creep' can prove costly in officer time and council funds so should be avoided by committing to only what is legally or morally required
- Officers only taking on cases where there is genuinely no alternative
- Officers to recover full costs, including all officer time, travel, expenses, equipment etc wherever possible. Some authorities only cover the cost of the actual funeral arrangements and don't include officer time, requiring funding from other sources to be found.
- Officers to ensure that the deceased is treated with respect at all times and funeral arrangements made in accordance with the religious/secular/cultural beliefs of the deceased (eg some religions forbid cremation so it would not be acceptable to cremate somebody with such a belief)
- Officers should keep family and friends informed of the funeral arrangements and include them in the planning of suitable music and readings to form a fitting service.

It is good practice for any policy to be approved by elected members prior to publication.

The Law

The law governing funerals arranged by local authorities is relatively simple, and is contained in Part III, Section 46 of the Public Health (Control of Disease) Act 1984. Section 46 is reproduced in full below:

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 that 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 or from any person who for the purposes of the National Assistance Act 1948 was liable to maintain the deceased person immediately before his death expenses incurred under subsection (1) or subsection (2) *above (the second part of this statement has been repealed by the Social Security Act 1986)*

(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.

(8) The Secretary of State may by order made by statutory instrument direct that this section, in its application to the Isles of Scilly, shall have effect subject to exceptions, adaptations and modifications.

The main paragraphs to note are (1), (3) and (5), ie that a 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 shouldn't 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.

Death in Hospital

In 1992 the Department of Health published the guidance document *Patients Who Die In Hospital* (HSG(92)8). This guidance was supplemented in 1997 by *Patients Who Die In Hospital – Supplementary* (HSG(97)43). Both documents state that NHS Trusts become responsible for the funeral arrangements of a person who dies in hospital when no relatives are traced or relatives cannot afford to make the arrangements and don't qualify for Social Fund Funeral Payments. These documents were superseded in 2005 by the Department of Health Document *When a Patient Dies*

(5578). The 2005 guidance removes the requirement contained in the earlier documents for hospitals to become responsible for funeral arrangements. Instead it states -

‘it will be particularly important for Trusts to consider having a formal policy that takes account of the interests and/or responsibilities of other partners. For example the local authority in whose area the body lies may arrange for burial or cremation under Section 46(1) of the Public Health (Control of Disease) Act 1984. However, practice will vary widely depending on local circumstances and Trusts may wish to liaise closely and develop protocols with local authorities and others to establish responsibilities and help ensure the most respectful burial or cremation takes place as quickly as possible.’

Although the 2005 document essentially relieves NHS Trusts of the responsibility for making funeral arrangements, many still chose to do so. It is commonly the case that the hospital will make the arrangements for those that die without any relatives, or where relatives cannot afford the costs but don't qualify for Social Fund payments (ie in line with the Patients Who Die in Hospital guidance). In cases where there are relatives who have the necessary finances but are unwilling to make the arrangements, the case is normally referred to the local authority so that they can make arrangements for a Public Health Funeral.

Local authorities are encouraged to make contact with the local NHS Trust to establish their policy and to develop protocols that govern which cases both parties will be responsible for. It may also be the case that the local authority enters into an agreement with the Trust to carry out all cases in return for a fee for those that would otherwise be carried out by the Trust. In these financially challenging times it is particularly important to establish such protocols at the earliest opportunity, otherwise local authorities may find themselves with an increased case load as NHS Trusts look to make savings.

Contract with a funeral director

A contract with a local funeral director should be entered into so that funeral arrangements can be made that are respectful, appropriate and to a fixed cost. In order to prevent any accusations of favouritism, a specification should be sent to all local firms inviting them to tender to provide the service. The specification should include, as a minimum, the following services:

- Collection of the body from the place of death/temporary storage location (this can include a separate quote for 'out hours removals')
- Storage of the body at the funeral director's premises (or other appropriate location, eg a main branch belonging to the same firm where a satellite branch doesn't have the appropriate storage facilities)
- Hygienic preparation of the body and provision of a shroud where own clothes are not available
- Coordination of necessary paperwork, including collection from a doctors/hospital and delivery to the cemetery/crematorium office (this can include separate quotes for burials and cremations)

- Provision of a simple coffin suitable for either burial or cremation as appropriate, including a nameplate bearing the name of the deceased and the date of death as a minimum
- Placing a notice regarding the funeral date and time in a local newspaper
- Facilitating a viewing of the deceased if required by family or friends and if appropriate (funeral director can specify the date and time of the viewing)
- Arranging for a minister of religion or other appropriate officiate to conduct the funeral service
- Production of a simple service sheet for the funeral service
- Conveyance of the deceased in a hearse from the funeral directors premises to the cemetery or crematorium, and provision of a funeral director and sufficient bearers to facilitate lowering the coffin into a grave or placing it on the catafalque
- Any other services as may be deemed appropriate by the local authority

The length of the contract should be given careful consideration. It may be that the service is tendered every year to ensure that local funeral directors are given the chance to compete for the contract regularly. Alternatively, two or three year contracts ensure a fixed cost for a more prolonged period, which may save the authority money. If a longer term contract is selected, it is recommended that a review period and break clause is included so that the contract can be terminated if the funeral director's performance is unsatisfactory.

It is important to build a good relationship with the contracted funeral director. It is often the case that they will go over and above the contracted requirements, and give assistance with difficult cases. It must be remembered that the funeral director is likely to be making no or very little money out of the contracted funerals, with most taking them on either as a goodwill gesture or as a speculative way of gaining further funerals in the future for those that may attend a service.

Referral of cases

Cases may be referred from a variety of sources, including (but not limited to) family or friends, a Coroner's officer or the police, a residential or care home, or a local hospital.

Family

When a family approach the appointed officer, it is important that they are treated with sympathy and respect, and given factual information. The family will normally have contacted the authority because they believe that they will be unable to afford to make the funeral arrangements. They may be experiencing many emotions, including anger, confusion, guilt and sadness. It is important that any officers appointed to deal with Public Health funerals are suitably trained in bereavement issues.

The officer should make subtle enquiry 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, which gives information about the type of help available and who is eligible. Contrary to popular belief, 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. Further, if it is considered 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 any estate. It is also good practice to give details about what will actually happen, including a search of the property to recover any relevant paperwork, money or goods that can be sold to offset the funeral costs. The family should be informed that they must not enter any premises and take any of the deceased's possessions until such time as the authority gives the all clear. During the course of the conversation it may become apparent that the family has already taken some possessions, in which case the officer should explain that the family must make these available to the authority. In some authorities the family are told that if possessions have been taken and are not passed on to the authority, the case cannot be accepted and the family must make the arrangements. Although there is no proper legal basis to this, it sometimes has the desired effect and either the authority receive the possessions or the family take over the arrangements. Good negotiating skills are required to handle such sensitive situations.

If, after a full explanation, the family is still requesting that the authority take on the funeral arrangements, it will be necessary to send them a Next of Kin Consent Form (see Appendix 1, Forms). 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 authority thus has first claim on any estate. Although the form is not a legal requirement, it is good practice to gain the next of kin's consent in writing to prevent any future comeback from other family members.

The ICCM recommends obtaining written consent before proceeding with making funeral arrangements when there are relatives unable or unwilling to make them. In cases where relatives are unwilling to give written consent, this fact should be noted in the case file and the funeral arrangements made.

Coroner's officer or the police

Many cases, by their very nature, will come via the police or a Coroner's officer as there won't be any family to make the funeral arrangements. Often the police or Coroner's officer will have conducted a rudimentary search of the property to locate any next of kin details, and they may have discovered a will or other useful documents. They should also have removed any cash and other portable valuables (eg jewellery) and secured the property. The authority may have to make arrangements to collect any paperwork and possessions from the Coroner's officer or the police, or it may be possible for them to be brought directly to the authority's office. It may be necessary to get a case number from the police in order for them to release property to you, so it is good practice to contact the police case officer to obtain the 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, which should be retained as part of the case file. It is essential that a good relationship is 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 entry and discerning information that are not readily available to local authority officers.

Residential or Care Home

Initial referral may come via a residential or care home where the deceased had been a resident. If no sum of money had been retained for funeral expenses and there are no relatives or friends willing or able to make the arrangements, the matron or home owner may refer the case to the authority. It is vital that the informant is told that they must not take any possessions from the deceased's 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 therefore outstanding rent etc can only be claimed from the estate once they have been cleared. The informant should also be asked to gather any pension books and other documents such as a will and hold them until an officer can visit the property.

One of the main concerns for a residential or care home is the removal of the deceased. If the death is unexpected it will be referred to the Coroner who will make arrangements for the removal by their contracted funeral director. If the death does not need to be referred to the Coroner, the residential or care home should be advised that they can contact the Council's contracted Public Health funeral director to effect the removal. It is good practice to write to the main homes in a local authority's area with advice on what to do when a resident dies without means or family, including the name and contact details of the contracted funeral director, and the name and contact details of the authority's public health funerals officer.

Hospital

Hospitals may refer cases to the local authority where there are relatives who are able but unwilling to pay for the funeral arrangements. The referral will normally be made by a bereavement officer or similar, and they may have already established useful details. The hospital officer should be instructed not to release any of the deceased's property to any family or friends, and arrangements should be made 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.

Opening a case file

On receipt of an 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 (see Appendix 1 for an example) should be used with as much information recorded as possible. It is also important to note why the case is being referred, eg no family, family unable to pay for funeral, family unwilling to pay for funeral etc. The address of the property where the deceased lived (if relevant) should also be noted, together with details of the landlord, the deceased's GP, any relatives or friends who may wish to be informed of any arrangements, and any other information that may be relevant in helping to determine if the case will be progressed.

At this stage a Time and Expenses Form (see Appendix 1) should also be started. This is used to record officer time spent on the case, together with any travelling and other costs such as the funeral costs, the purchase of death certificates, postage, telephone calls etc. The form should also record any estate recovered to offset these expenses. The authority is legally entitled to recover their expenses from the estate of the deceased person (see Public Health (Control of Disease) Act

1984, S 46 5). The amount of recovery varies between local authorities, with some choosing to only recover the actual cost of the funeral, ie the funeral directors charges and disbursements. Some authorities charge a fixed cost for each case, regardless of the amount of time spent on it, whilst others charge for the actual hours accrued and any other expenses incurred. The Treasury Solicitor, to whom solvent estates should be referred (see The Estate below), accepts that reasonable expenses can be claimed from the estate for making the funeral arrangements, and have agreed a fixed fee with some authorities. The Treasury Solicitor expects a reasonable cost of a funeral by cremation to be around £2000, and that of a burial around £4000. In cases where it appears that these costs may be exceeded but there is an estate to cover them, early reference to the Treasury Solicitor is advised.

The law gives no firm indication of what can actually be recovered, other than 'expenses incurred'. 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 ICCM recommends that authorities give due consideration to adopting a policy of 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. The ICCM also recommends 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 authority 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 authority 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 enquiries that the authority can make. If, however, there is property to search the informant should be told that the authority will make further investigations before consenting to make the funeral arrangements. It is possible that a search of the property will reveal a will, or the details of any relatives or friends who may be willing to make the funeral arrangements. In cases where there are no further enquiries to be made and the authority is to make the funeral arrangements, a Record of Decision and Authorisation Form (see Appendix 1) should be completed by the case officer to demonstrate why the case has been accepted. This form should be retained as part of the case file.

Case register

In order to aid with the authority's own statistics, as well as providing details for any future enquiries from family or friends, national surveys or Freedom of Information requests, it is recommended that a case register is established. This could be a paper copy, or contained on a computerized spreadsheet, eg using Microsoft Excel. It is also recommended that a numbering system is established, ideally based on a year so that the numbers of cases per year can easily be ascertained. The authority can choose whether this is based on a financial year or a calendar year – the Local Government Association survey asked for data relating to the financial year, but 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 (eg 1/2011, indicating the first case in the year 2011 – maintaining a register will make numbering cases a simple task as the next number can easily be allocated)

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 – eg Coroner's officer, police officer, nursing home manager, next of kin etc

Name of the deceased

Age of the deceased

Sex of the deceased

Place of death

Reason for referral – eg 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 if no – eg family took on arrangements

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 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 and 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 and the deceased lived in a property, 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 room may be 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.

Where a case is referred by family, a Coroner's Officer, the police or a hospital, 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.

In these cases it is important to ascertain what state the property is in, and if there are any hazards or other circumstances that the case officer needs to be aware of. Some of the properties may be in a very dirty state, with bags of rubbish piled up and rotting food in fridges and cupboards. It is possible that the deceased may have been dead for some time before being discovered, therefore there may be unpleasant stains and smells. It is also possible that there could be maggots and flies in the property. If the deceased was a drug user there may be drug paraphernalia lying around which could cause an injury to anybody searching the property. In some circumstances there may be pets still in the property, although commonly the Coroner's officer or police will have made arrangements to have any pets such as dogs and cats taken into the care of the RSPCA or similar.

Officers also need to be aware that they may discover items and materials that could be sensitive and possibly cause offence, such as pornographic literature and items used in sexual acts. A Coroner's Officer or a police officer should be in a position to warn the case officer of any such likely material.

In some cases the electricity to the property may have been disconnected and there may be no lighting inside. If the electricity has been disconnected there will be a higher risk of rotting food in a fridge or freezer.

It is important to ask the informant –

- Where the deceased lived
- Whether this was rented or was owned by the deceased
- Whether anybody else lives in the property
- If it was rented, the contact details for the landlord
- If owned, who has the keys
- How access to the property was initially gained and if it has since been secured
- What the conditions are like inside the property
- If there is electricity and lighting within the property
- If there are any pets still in the property, eg fish in tanks, birds in cages etc
- If there are any particular hazards such as drug paraphernalia, urine and faeces, unpleasant smells etc
- If there are any particularly sensitive items in the property

- If there is anything else the officer should be aware of prior to entering the property
- Where any keys for the property should be handed in to once the officer has completed the necessary search or searches

Once the information has been gained, it will be possible to carry out a risk assessment relating to the search. An example of a generic risk assessment and associated safe system of work relating to property searches is given at Appendix 2. This can be used for most cases, but should be amended to reflect specific circumstances relating to the property or the officers carrying out the search.

One of the outcomes of the risk assessment is to ensure that personal protective equipment and other items are taken to the property to ensure the search is carried out safely. It is good practice to keep a 'search kit' on standby so that officers can be ready to search a property quickly if necessary. This may be particularly important in the case of a residential or care home, where the owners will want to be able to re-let the room quickly. It is also important to search a property quickly where there are other residents, eg in a shared flat or where there is a surviving spouse.

The search kit should contain all the items that may be necessary in conducting a search, ideally in an easily accessible and portable covered box. The box should contain, as a minimum –

- Digital camera and supply of batteries
- Sufficient personal protective equipment (eg vinyl gloves, rubber gloves, nuisance masks, disposable shoe covers, all in one full body protective suits) for the number of officers conducting the search
- First Aid kit
- Refuse bags, clinical waste bags, sharps boxes
- Plastic bags for storing recovered paperwork and property, including small grip bags for jewellery, coins etc
- Notepad and pen for making notes
- Record of Items Removed From Premises form (see Appendix 1)
- At least two torches and supply of batteries
- Flea spray and fly spray
- Hand cleaning gel/wipes
- Air freshener
- Bottled water
- Supply of business cards with details of the case officer (to be handed out to neighbours etc)

It is possible that a relative or friend of the deceased may wish to be at the property during the search. It will be 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. Officers should carry a mobile phone with them, and if they are likely to go beyond their estimated time of return should ring to let their colleagues know. If the officers don't return at the estimated time and have not rung in, colleagues should try and ring the mobile phone. If the officers cannot be contacted, the matter should be referred to a senior manager immediately for a decision on how best to proceed.

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 24 hours notice of the intended entry has been given to the occupier. In most cases it won't 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 authorization for entry and a search.

A safe system of work framework should be drawn up for conducting property searches (see example risk assessment and safe system of work in Appendix 2). The framework will, however, need to be adapted for each individual case to take account of the range of different property types and conditions that will be encountered. These will range from clean and tidy rooms in residential or care homes with few possessions to search, to large houses with many rooms and sheds or a garage. Conditions will range from the very clean to the very dirty with the incumbent smells that that entails. Rooms may be tidy and free of any clutter, or they may be stacked to the ceiling with newspapers and other rubbish. The pre-search enquiries should give officers an indication of what will be encountered so that they can be physically and emotionally ready.

In all cases it is recommended that a minimum of 2 authority officers attend a property to conduct a search. This will help to counter any claims of impropriety against an officer, and also offers protection should one officer have an accident at the property or be faced with angry family or friends. If 2 officers are not able to attend, arrangements should be made to meet a Coroner's officer or police officer at the property so they can act as the second person. In no circumstances should a property be entered by a lone officer. In the case of a residential or nursing home, a senior manager of the home can act as the second person.

It is recommended that a photograph is taken of the exterior of the property, with a close-up of the main door, especially if entry has previously been forced by the police. It is also good practice to inform any neighbours that you will be conducting a search of the property, and to ask them for any information relating to the deceased and any possible relatives.

Once entry has been gained, an assessment of the conditions should be made. It is possible that there may be no electricity, in which case torches will need to be used. Officers will need to be aware of any potential hazards on the floor, such as urine and faeces, and, where the conditions call for it, put on protective clothing before starting the search. Some properties may contain stacks of old newspapers, or mounds of rubbish, which could topple, so care will need to be exercised. If it is necessary to move furniture or bulky items to gain access to a room, correct manual handling techniques must be employed.

It is recommended that each room is photographed prior to being searched, and that any items of potential value such as paintings or antiques are photographed in situ before being removed (if appropriate). It is also useful to keep notes on features in each room, which may be helpful if a return visit is necessary, or if the case is to be referred to the Treasury Solicitor (discussed under The Estate below).

Mail will probably have continued to be delivered to the property, so it is worth checking the threshold and retaining any recent mail that may be helpful with making further enquiries. This may include bank statements, utility bills, benefits correspondence etc.

Once each room has been assessed, a plan for the search should be formed, ensuring that both officers work together in each room throughout the search. The main items that are being searched for include a will; contact details for any family or friends (often contained in an address book or a diary); bank/building society details; pension details; benefit details; identification documents such as a passport, driving licence, NHS card etc; any cash, or valuables that may be sold to offset the costs of the funeral arrangements. In some cases personal papers etc will be kept tidily together, but in others they may be dispersed throughout the property and appear in the most unexpected of places.

It is vital that, whatever the state of the property, the officers remain non-judgmental and respectful throughout the search. If drawers are emptied to facilitate searching, items should be replaced and not left on the floor or another surface. Whilst it is not the officers' role to 'tidy up' the property, it may be necessary to put rubbish in refuse bags as the search progresses. Once full, any such bags should be sealed and left in the property. Clinical waste bags and sharps boxes should be used for any refuse that is a potential health hazard, and these should be removed at the end of the search and disposed of according to the Council's own arrangements.

If possible every room should be searched, and every cupboard, wardrobe, drawer, box etc should be checked. Often money and documents can be found in coat pockets hanging up in wardrobes, and in some cases large quantities of cash may be discovered hidden in jars and tins. If the property has outbuildings such as sheds or a garage, these should also be searched. In extreme cases, the property may be too hazardous to be searched thoroughly, in which case photographic evidence should be recorded and an explanation as to why the search couldn't be concluded added to the case file.

Throughout the search it is important to take frequent breaks to get some fresh air, particularly where the property is in a poor state of hygiene. Fresh, bottled water should be included as part of the 'search kit', and regularly drunk to maintain hydration, particularly in hot weather and when the property is stuffy. If it is not possible to complete the search in one go, arrangements should be made to revisit the property.

Items that are to be removed from the property should be placed in bags and recorded on the duplicated Record of Items Removed From Premises Form (see Appendix 1). This should be signed by the case officer, and a witness where possible, and a copy left with the witness. If no witness is 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 if the property contains large items that cannot be removed but may be sold to offset costs, the keys should be retained by the officers. It is good practice to inform the neighbours once the search has been completed, and to ask them if they would like to be kept informed of the funeral arrangements. If so, note down their name and address, and give them a business card with the case officer's contact details.

Contacting the family or friends

In some cases the property search may reveal a valid will. If so, the named executor should 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 (see Appendix 1) 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.

The property search may have revealed information about possible family or good friends who may be willing to take on the funeral arrangements. At the very least, they may wish to be informed about the death, and given the option to attend the funeral if they can't or won't make the arrangements. Attempts should be made to contact anybody that appears to be a relative or a close friend – this may be ascertained from an address book, diary, list of numbers kept by the deceased, or from a phone bill where frequently used numbers may appear. On occasions there may be an address rather than a phone number, in which case directory enquiries should be used to ascertain a current phone number.

It is not easy to break the news of somebody's death, therefore due consideration must be given to how the conversation may go. It is possible that the person being contacted has had no dealings with the deceased for a number of years, and may be fairly ambivalent about the death. Equally, the person may have been trying to locate the deceased with no success, and may be very shocked and upset by the news. Officers must be prepared for the range of emotions that the news may evoke, and ideally should be trained in customer care skills, with particular emphasis on dealing with bereavement.

Once the news has been broken, and the response of the recipient ascertained, the issue of the funeral can be raised. The relative or friend should be offered the option of taking over the funeral arrangements, and if they accept, arrangements can be made to send them any property that was recovered from the search, and any keys, if relevant. The officer should then complete the Record of Decision and Authorisation form (see Appendix 1), and close the case.

If the relative or friend does not want to take over the funeral arrangements, they should be informed that the authority can make the arrangements and will claim any costs against the estate.

In the case of it being a relative, they should be asked if they are willing to sign a Next of Kin Consent form (see Appendix 1), 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 arrangements, the Record of Decision and Authorisation form (see Appendix 1) should be completed, and the next phase of making the funeral arrangements entered.

In some authorities the Coroner's officer may be prepared to contact the relatives of the deceased to break the news of the death. Alternatively, the Coroner's officer may contact the local police to carry out this role if the relatives live in a different area. If a Coroner's officer or the police are used to break the news of the death, the case officer must ensure that they give the relative the contact details of who to contact for further information regarding the funeral arrangements. This approach may relieve the officer of having to break the news of the death, but sensitivity will still be required in any subsequent dealings with the relatives regarding the funeral arrangements.

There is no legal framework for how far the case officer should go to contact relatives. Each case will be different, but good practice is to conduct a search of the property, and interview 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 authority is authorized to do. The Coroner's officer or police may be able to assist, but there is no compulsion on 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. There is no compulsion on the authority to do this, but in some cases where family are suspected and there is a sizeable estate, it may be in the authority's best interests to do so. Any costs for such adverts can be claimed as part of the estate.

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 themselves.

Burial or cremation?

By this stage the authority will either have handed over the case to an executor, relative or friend, or will have accepted responsibility for the funeral. Consideration can now be given as to the actual funeral service.

The case officer will have opened a Case File, completed the Case Register and Initial Referral Form, recorded any items removed during a property search, and completed the Record of Decision and Authorisation Form. The officer should also now start to complete a Case Progress Form and a Record of Receipts and Expenses Form (see Appendix 1). These forms are essential in tracking progress, and in keeping a record of any income and expenditure.

At this stage local burial and cremation records should be checked to try and ascertain if the deceased has an interest any graves in the local cemeteries, or if they acted as an applicant for a

cremation. If such records exist, they will help the 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 in it subject to the approval of the burial authority. If the deceased was not the owner of the grave, the owner's consent must be gained before a burial can go ahead. If consent is not forthcoming, the burial cannot take place in that grave.

The information received from the informant, together with any evidence recovered during the property search and in talking to neighbours should allow the officer to understand whether or not 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. Muslims and Orthodox Jews, for example, do not allow cremation, whilst it is the preferred method of disposal for Sikhs and Hindus. Section 46 goes on to state '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 may still be the cheapest option. The actual choice of disposal is a matter for the authority, but due consideration should be given to any evidence of religion, previous involvement in burial or cremation, the law, and financial considerations.

One reason to choose burial over cremation is that if family come forward at a later date, they have the option of exhuming the body and making their own funeral arrangements. Such instances, however, are probably quite rare, and the cost and implication of having a burial over a cremation needs to be assessed.

Historically mass common graves have been used for 'pauper burials' – such graves can be up to 20' deep and may contain dozens of burials. In these more enlightened times the use of mass graves is discouraged, and ideally a burial should take place in an individual grave. In cemeteries where space is at a premium, it may not be possible to find a new space for each case. The authority should give due consideration to using remaining space in previously used but unpurchased graves – the burial would still be individual, and no previous remains would be disturbed. The grave could be marked with a simple memorial, although due consideration should be given to the cost (if there is an estate the Treasury Solicitor may be prepared to pay for a simple memorial).

In the case of a cremation, the cremated remains may be scattered in the crematorium grounds and the location noted, or they may be given to a relative or friend for private disposal. Some authorities recommend holding the remains for a minimum of 12 months in case any family come forward, but the likelihood of this must be weighed up against other factors such as settling the final resting place for the deceased as early as possible. 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.

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, and communicated to any relatives or friends who may wish to attend. 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 case officer will need to complete the statutory Cremation Form 1, *Application for cremation of the body of a person who has died*. In Part 4 it will be necessary to explain why the case officer is making the application rather than a near relative or executor. It will also be necessary to state whether there are 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 case officer will need to complete the burial authority's Notice of Interment (or similar). This is a non-statutory form and the design varies between different authorities.

Registering the death

If there are no relatives willing or able to register the death, this will need to be done by the case officer. The law states that ideally a relative should register the death, but makes 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 Registrar 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 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 -

- Birth certificate
- Marriage or civil partnership certificate
- NHS Medical Card

Further information required by the Registrar includes –

- The 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 county if born in the UK and country if born abroad)
- Their last address
- Their occupation
- The full name, date of birth and occupation of a surviving spouse or 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 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. The Registrar will also issue the case officer with a certificate of registration of death (form BD8) – the BD8 is for benefit claim purposes and should be completed and sent to the Jobcentre Plus.

If the case has been referred to the Coroner, it may not be possible to register the death until after the funeral – the death can only be registered once the Registrar has received permission to do so. If a death is referred to the Coroner but no inquest is to take place, the Coroner will issue a Pink Form 100A or 100B, which will normally be sent direct to the Registrar. On receipt of the Pink Form the Registrar can allow the registration of the death to proceed. If there is to be an inquest and the body is to be buried, the Coroner will issue an Order for burial (form 101) once he is satisfied that there are no further enquiries to be made of the body. The Order for Burial is required by the burial authority before the burial can take place. If there is to be a post-mortem or an inquest and the body is to be cremated, the Coroner will issue a Certificate for Cremation once all enquiries of the body have been made. The cremation authority will require the Certificate for Cremation before the cremation can take place. Once an inquest has been held the Coroner will send a 'certificate after inquest' to the Registrar so that the death can be registered.

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 you 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) and buying them at the time of registration as the cost will be cheaper. It is possible to order copies at a later date, but this will incur an additional cost.

The funeral service

Using the information about the deceased gathered during the 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 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 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 case officer or another authority representative should attend the funeral, even if there are family and friends present. This shows great respect, and also 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.

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, either via cash, the sale of valuables or the realization of any bank or building society accounts, pension plans or insurance policies.

Throughout the case a record should have been kept of the case officer's time and any expenses incurred, including travel, purchase of death certificates, postage, 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 is recommended. The Treasury Solicitor has produced a guide – Referring case to the Treasury Solicitor (BV) – that can be downloaded from their website at www.bonavacantia.gov.uk/output/estate-guidelines.aspx. The guide 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. If the amount of remaining cash and goods is under £500, the authority may retain the amount and are not obliged to refer it to the Treasury Solicitor. If there are goods to be sold and the amount reached is over £500, the estate will then need to be referred to the Treasury Solicitor. If there are goods which are unsaleable, or the value is less than £500, the authority may dispose of them as they see fit. Estates can be referred using an online form, or a form 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, 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, 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 accounts are 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 officer 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 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, the case will then need to be transferred to the Treasury Solicitor. If the sum is under £500, the authority may keep it.

If the authority recovered goods from the property that can be sold, it is good practice to seek quotes from a minimum of 3 dealers and select the most advantageous price. Some authorities have sold goods on 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 sale of goods is less than £500, the authority may keep the money. If it is over £500, it will need to be referred to the Treasury Solicitor.

The authority is under no obligation to clear the property that the deceased lived in. They may choose to do so if the value of the goods is likely to return a profit, but 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 on each case should be kept, and the forms given in Appendix 1 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 of 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 bank books, 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 is kept permanently to provide a basic index of cases carried out and to allow easy access to statistics over time.

The Local Government Association carried out a survey of Public Health funerals in 2008 and again in 2010. Although they received a fairly good response rate, some authorities were unable to provide basic information on the number of cases conducted, the sex and age range of the deceased, and how much they spent on such funerals. The recommended case register should allow for easy access to basic statistics that can be used to inform any future surveys by the Local Government Association or other organisations or researchers.

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 be 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, 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 the effective conduct of public affairs, the information can be released.

It should be noted that the Treasury Solicitor regularly publish details of estates valued at £5000 or over, so researchers could be steered towards this source for their information. Some authorities choose to publish basic details of cases on their own website, including the name of the deceased, date of death, town and postcode, and whether the case was referred to the Treasury Solicitor. If authorities plan to publish such details it is recommended that they receive legal advice from their Information Officers prior to publication.

Appendix 1

Examples of Forms used in Public Health Act Funerals

1. Next of Kin Consent Form
2. Initial Referral Form
3. Time and Expenses Form
4. Record of Decision and Authorisation Form
5. Record of Items Removed From Premises Form
6. Case Progress Form
7. Record of Receipts and Disbursements Form

Section 46 Public Health (Control of Disease) Act 1984

Next of Kin Consent Form

To: (enter name of Local Authority)

I (enter full name)
Of (enter full address)
Being the (enter relationship)
Of the late (enter name of deceased)

hereby authorise * to make the appropriate arrangements for the burial/cremation of the said deceased under Section 46 of the Public Health (Control of Disease) Act 1984 and to receive all such sums as may be due in respect of the death from the Department of Work and Pensions, Insurance Company, Trade Union, Friendly Society or any other organisation or body to which the deceased may have belonged prior to death, to offset the costs of the funeral expenses or to recover such costs from the deceased's bank, National Savings Account or other assets; and I hereby declare that I disclaim all responsibility for the funeral arrangements for the above mentioned deceased.

*insert name of Local Authority

Dated this day _____ (day and month) of _____ (year)

Signed	
Signature witnessed by	
Print witness name	
Witness address	

(Authority name)

Case No.

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984
REFERRAL DETAILS

Case Officer: _____

Receiving Officer: _____ Date Notified: _____ Time: _____

Informant: _____ Tel No: _____
Relative/Coroner's Officer/Funeral Director/Friend/Landlord/Social Services/Other

Full Name of Deceased: _____

Address: _____

_____ National Insurance No. _____

Date of Death: _____ Age: _____ Religion: _____

Date of Birth: _____ Place of Birth: _____

Marital Status _____ Occupation _____ Retired: Y/N _____

Maiden Name: _____ Husband's Name _____

If appropriate
Husband's Occupation: _____

Contact Name: _____ Position: _____

Address: _____

_____ Tel No: _____

GP: _____ Address: _____

_____ Tel No: _____

Landlord: _____ Address: _____

_____ Tel No: _____

Police Property No: _____

Details of relatives/contacts:

Additional Information:

Form 2 – Initial Referral Form

**PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984
ADMINISTRATION EXPENSES**

Name of deceased

Case No

.....

.....

DATE	Officer's Time (Hours)	1	2	3	£	P
	TRAVELING & EXPENSES					

Form 3 – Time and Expenses Form

Sub total c/f.....

Section 46 Public Health (Control of Disease) Act 1984

Record of Decision and Authorisation

Full Name of Deceased:

I have authorised/not authorised a Section 46 funeral for the above named, for the following reasons:



Signed:

Print name:

Date:

Section 46 Public Health (Control of Disease) Act 1984

Record of Items Removed from Premises

Full Name of Deceased:	
Address from which Items Removed:	

Items	Date

Sheet number ____ of ____ sheets

Signature and print name	Witness signature and print name
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Form 5 – Record of Items Removed From Premises Form

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

CASE PROGRESS

Case No.....

Surname.....Forenames.....

NOTIFICATIONS

Administration Date...../.... Funeral Director Date...../....

Post Mortem Date...../.... Inquest Date...../....

Funeral Preference Cremation Date...../...../..... Time.....
Burial Date...../...../..... Time.....

Place:.....

Relatives: Name..... Date...../...../.....

Name..... Date...../...../.....

Name..... Date...../...../.....

Search Property Date...../...../..... Personal Effects

Need to Register Yes/No Date...../...../.....

Completed Forms A Disposal

DSS Bank

Insurance Premium Bonds

BD8 Building Society

War Bonds Stocks & Shares

Other

Appendix 2 - Example Risk Assessment and Safe System of Work

Establishment	Directorate	Section
	Bereavement Services	

1. TASK OR ACTIVITY COVERED BY THIS ASSESSMENT
Search of property under Section 46 of the Public Health (Control of Disease) Act 1984

2. WHAT SIGNIFICANT HAZARDS ARE ASSOCIATED WITH THE TASK / ACTIVITY (e.g. fire, electric shock, violence, fall from height etc.)
<ul style="list-style-type: none"> ➤ Slips and trips ➤ Manual handling injuries ➤ Verbal and physical abuse by others in the property ➤ Contamination by unpleasant substances ➤ Puncture wounds, cuts or scratches from needles/sharp objects ➤ Emotional distress

3. PERSONS AT RISK
➤ Officers undertaking property searches

4. EXISTING CONTROL MEASURES
➤ Safe systems of work and provision of appropriate PPE

5. SEVERITY OF OUTCOME(tick as appropriate)							
Slightly harmful / minor injury or illness		Harmful injury or illness incurring time loss for subject/s	x	Serious injury or illness		Life threatening or fatal injury or illness	
6. PROBABILITY OF HARM (tick as appropriate)							
Unlikely/ Improbable	x	Likely		Highly Probable		Certain	
7. FINAL ASSESSMENT OF RISK (refer to risk estimator table)							
Low	x	Medium		High		Very High	

8. SAFE SYSTEM OF WORK – Property Search

Preparation

1. Ascertain as much information as possible from the informant prior to arranging to search a property
2. Based on the knowledge gained from the informant, carry out a specific risk assessment relating to the property if relevant
3. Ensure that suitable PPE is available for all officers who will be carrying out the search
4. Ensure that bags for storing recovered paperwork and property, and refuse bags for disposing of any refuse that needs urgent disposal, are available (this may include clinical waste bags and sharps boxes if appropriate)
5. Ensure that a Record of Items Removed From Premises form is available, together with a working pen
6. Ensure that a first aid kit is available
7. Carry a mobile phone
8. Ensure that colleagues are aware of the address of the property and give an estimated time of return prior to leaving the office
9. Ensure that a minimum of 2 officers are available to carry out the search, or arrange to conduct the search in liaison with a Coroner's officer or police officer, or, in the case of a nursing home, a manager or other senior member of staff

Conducting the search

10. Staff should be suitably trained to carry out property searches
11. Officers must remain non-judgemental about the deceased despite what may be found in the property
12. Photograph the outside of the property prior to entry
13. Inform neighbours of the search and ascertain any useful information
14. On entry assess the physical environment against and take photographs of each room prior to the search
15. Be sure to gather any mail that has been posted through the letter box as this is likely to be recent correspondence and may be useful in establishing contacts
16. Assess the number of rooms and establish a priority for searching
17. The priority for the search is to locate a will; find any details relating to family or friends (eg address books, diaries, postcards etc) and to recover cash and/or property that can be used to offset the funeral costs. Any bank books, pension books, passports, NHS cards, driving licences, utility bills etc should be retained
18. Continue to be aware of any physical or environmental hazards whilst searching each room methodically
19. Search through all drawers, cupboard and wardrobes, including checking in coat and jacket pockets
20. Do not empty contents on to the floor but search methodically, making sure that things are properly replaced where possible
21. Put any items of potential interest/value into bags for removal to the office
22. If family, friends, neighbours etc are present at the search be aware of the need for extra sensitivity when handling personal items
23. Be sure to check all rooms, including sheds and garages if present
24. If any animals are encountered during the search, ensure they are not in any imminent danger, feed them if possible, and make arrangements for their safe and appropriate disposal on return to the office
25. If illegal substances or weapons are found in the property they should be photographed in situ and the police called for advice on what to do with them
26. If the property is in a poor condition ensure that regular breaks are taken where

the officers get fresh air and fresh water. If a property is particularly large or contains a lot of items to search through, it may not be possible to complete the search in one go. In this cases arrangements should be made for a return visit.

Recording

27. Make a record of all items to be removed from the premises on the Record of Items Removed From Premises Form
28. Photographs of any valuables removed can be taken if felt appropriate
29. If possible, ask a witness (eg care home manger, coroner's officer etc) to sign the form and give them a copy. If there is no independent witness, both officers searching the property should sign the form
30. Make any other notes as deemed necessary to keep with the case file

Securing the property

31. When leaving ensure that the property is properly secured and the keys either handed to the relevant person, or retained if a further search is deemed necessary, or further enquiries are to be made

Neighbours

32. Make sensitive enquiries of any neighbours regarding information about the deceased, and ask if they would like to be kept informed of the funeral arrangements. Note down any names and addresses of those that express an interest in attending the funeral, and ensure they have the case officer's contact details

Do

Remain vigilant throughout the search and seek advice from a senior manager and/or the police if relevant

Treat property with due respect and sensitivity

Remain non-judgemental about the deceased

Don't

Take any unnecessary risks and do not be tempted to try and recover everything – the objective is to find a will, gather information to trace relatives, and to recover enough cash/property to offset the funeral costs