

# **PUBLIC FUNERALS**

'Your Plymouth' Cooperative Scrutiny Review

26 February 2014



**PLYMOUTH**  
CITY COUNCIL

## What is a Public Funeral?

Plymouth City Council has a legal duty under the Public Health (Control of Diseases) Act 1984 to

*'cause to be buried or cremated the body of any person who dies or has been found dead, within its area, in any case where it appears to the local authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the local authority.'*

This duty applies to anyone who has died within the Plymouth City boundary including none residents. Current arrangements excludes any person who dies within Plymouth after being admitted to a ward at the local Hospitals. Hospitals have similar arrangements in place. The Council would not transfer bodies across counties as the duty only relates to those that have died within the boundary of Plymouth. Only local arrangements would be made for a funeral.

The following table indicates the numbers of enquiries and cases where the Council duty to make arrangements has been invoked.

Public funerals	Male	Female	Total where council made arrangements	Additional Enquiries where advice given
2008/ 2009	27	1	28	
2009/ 2010	5	3	8	8
2010/ 2011	15	2	17	10
2011/ 2012	14	6	20	12
2012/ 2013	21	5	26	13
2013/2014 to date (22/10/13)	4	3	7 to date	25

## Procedural steps

The Public Protection Service (PPS) undertake the Public Funerals duties on behalf of the Council. When PPS are informed of a death enquiries are made as to whether there is a next of kin.

To identify next of kin, officers undertake research into the deceased including identifying and where appropriate gathering together personal papers and assets. Officers attempt to locate a will. If this is found, contact is made with the executor. In most cases a will is not found.

If there is no next of kin or executor or any other person prepared to make the necessary arrangements the following steps are followed: -

- The Council arrange a dignified but no frills non-denominational burial, using forfeit graves. Burial is currently the cheapest option and it enables any next of kin who may be identified in the future to make alternative arrangements.
- PPS specifies a graveside service, where the Funeral Director conducts a short non-denominational service.
- The Council has a right to recover any expenses including officer time from the estate. The deceased's property is searched, and if any assets or valuables are found in the property,

they are sold to recover the expenses. If the deceased owns the property, it would be referred to the Treasury Solicitor, if there is no next of kin.

- In many cases, there are no assets.
- The officer searches are conducted under controlled procedures, by a minimum of two officers, who video record their actions. The procedure and the search are subject to external audit.
- The sale of assets is controlled by procedures and is subject to external audit.
- The sales process is via a local auctioneer.
- Where assets are liquidised a claim is made by PPS for the cost of the funeral and officer time from the estate.
- If more than £500 funds remain after the full payment for the Council's costs is made, the estate is referred to the Treasury Solicitor. Where a next of kin or executor is known, they are advised to approach a solicitor to recover the funds remaining.
- The Banks or Building Societies often do not release the details of the amounts held in the bank accounts of the deceased to PPS officers. However where accounts are identified officers will seek to recover our costs from those accounts.
- It is difficult for PPS officers to see if the financial institutions refer the residual estate of the deceased to the Treasury Solicitor.
- Many properties are rented and the cost of clearing the property, after any available valuables are sold, is the responsibility of the landlord.

## **DWP Funeral Payment**

Where the next of kin or friend are on benefits, the Department of Works and Pensions (DWP) provide a Funeral payment, on application, entitling successful claimants to help with the cost of a basic funeral. Only the person making arrangements for the funeral may apply, and the applicant must be in receipt of benefits. The Council is not entitled to claim this benefit.

The Funeral Payment can help pay for:

- burial fees and exclusive rights to burial in a particular plot
- cremation fees, including the cost of the doctor's certificate
- up to £700 for funeral expenses, eg funeral director's fees, flowers, coffin
- travel to arrange or go to the funeral
- the costs for moving the body within the UK - but only for the part of the journey that's over 50 miles

PPS officers will provide advice on how to obtain quotes from Funeral Directors known to the service to ensure the most competitive quote is obtained.

Where there are no next of kin or family members are not on benefits, and cannot afford the cost or do not accept responsibility for the arrangements, and in effect 'walk away', PPS managers assess if the Council should accept responsibility for the burial. If it is clear that no other arrangements will be made, the Council accepts responsibility.

## **How much does a funeral cost?**

The cost to the Council for each Public Funeral, is in the region of £2000 to £2200 but could be more, dependant on the time spent investigating the case.

This cost is made up of the cost of officer time expended in investigating the deceased and collecting assets together, the officer time in organising the burial of the deceased, the cost of the burial and the cost of funeral directors services. PPS is exploring ways of reducing the cost of

Public Funerals. In efforts to reduce costs, burial is chosen as opposed to cremation, as cremation requires the additional expense of doctors' fees, which are in the region of £150. Currently we use local Funeral Directors. The Council offers a tender for the provision of public funerals on an annual basis although the current tender agreement has been extended, whilst the Council review what service is provided. Information obtained from this scrutiny of services would be used to inform the tender process

PPS officers have identified two new funeral directors offering a different service whereby the body is collected and taken to a crematorium. These are at a significantly reduced price to the Local Funeral Directors, in the region of £1500.

PPS make next of kin or others who are taking responsibility for the arrangements of the deceased aware of all local Funeral Directors and the two newer types of service so they can make informed choices.

### **What do other Councils do?**

All local authorities have the same duties, but the duties do not always sit within the same departments. Most local authorities appear to have tender arrangements in place that are reviewed periodically, or that requirements to use the powers are infrequent and arrangements are made on an ad hoc basis with a local Funeral Director at the time. Costs vary between Councils based upon the funeral directors charges and the cost of disbursements, which vary amongst areas.

### **Issues suggested for consideration**

- The funeral arrangements are made at a time to suit the Bereavement Service, rather than give a choice to family members. Should we accommodate the wishes of the family?
- Even when family members have not accepted responsibility, we still notify them of the time and date of the funeral. Should we continue to do this?
- The Council offer a simple, non-denominational burial, and no choice is given to family members for burial or cremation. The law requires that cremation should not be carried out if it was contrary to the wishes of the deceased, and if a next of kin was unable to be traced, the Council would always be legally required to provide a burial only. Should we offer a choice of burial or cremation to family members, even if cremation is more expensive?
- Should we employ a minister where the denomination of the deceased is known, which currently has a fee of £179?
- The service is basic and minimal and does not provide for flowers or anything but a graveside service, and no marking of a grave. Are the Council happy that this is acceptable? Some information is available from other Councils but further benchmarking data could be obtained about what is offered elsewhere.

A table of information of other local authorities procedures relating to the above points is included in Part 2.