

Harlow District Council

Public Health Act Funeral Policy

Funeral Payment Assistance

Having to arrange a funeral when someone dies can be a very distressing time especially if the person(s) arranging it have worries regards its cost.

It is highly advisable to talk about cost worries with your selected Funeral Director as soon as possible in the process. Please understand that once you have entered into a contract with the funeral director you will be responsible for paying their costs.

It may be that if you or a partner receive certain benefits e.g. Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Pension Credits, Housing Benefit, Council Tax Benefit, Working Tax Credits or Child Tax Credit then you may be entitled to a funeral payment from the Social Fund.

Further information about Funeral Payments, including an application form, can be found on the Gov. website at: <https://www.gov.uk/funeral-payments>

Public Health Funerals

Section 46 of the Public Health (Control of Disease) Act 1984 places a duty on Harlow District Council to make funeral arrangements for anybody who dies within their boundary where no other provisions are being or are likely to be made, e.g. when the deceased has no family and they haven't left a will. The Act also allows for the Council to reclaim from the deceased's estate (property and possessions) all of its cost spent in making the funeral arrangements.

Harlow District Council will only become involved in those cases where the deceased has died within the council boundary. For all those cases where the deceased dies outside of the boundary then all funeral arrangements become the responsibility of the local authority where they died regardless if the deceased was a Harlow resident.

If the funeral has already taken place or arrangements have already been made by a partner, executor or other family member, then Harlow District Council cannot become involved with the case and all costs will have to be met by whoever commissioned the funeral director in the first place. However, as mentioned above, assistance may be available via the Social Fund for those who are in receipt of certain benefits.

Harlow District Council will take responsibility for making funeral arrangements when there is no person willing or able to do so. If the deceased had a family the nearest surviving relative will be required to sign a form confirming that it is understood that the Council will undertake the funeral and that any expense it incurs will be recovered from the deceased's estate. The person signing the form agrees that if any possessions, including cash, have been removed from the property where the deceased lived, that they will be returned to the Council in order to assist in making up for its costs.

If you are a Landlord, you should not enter or remove any items from the deceased's accommodation until after the house search has taken place.

On accepting the case, the Environmental Health Service will undertake all aspects of the arrangements of the funeral, including registering the death, liaising with funeral directors and paying for the funeral. Unless it can be established that the deceased would have preferred burial for personal or religious reasons, then it is a cremation that would usually take place at Parndon Wood Crematorium in Harlow. If a burial is carried out the grave will be unmarked.

The funeral directors will supply a coffin and bearers and a hearse to transport the deceased to the Crematorium. Flowers will not be provided. At its own discretion the Council may appoint a religious minister representing the faith of the deceased or a civil servant celebrant. Also part of the arrangements is the provision for a religious minister. Family and friends will have no say as to where and when the funeral will take place but they are of course welcome to attend.

Following the cremation, the cremated remains will be held in store for up to three months before being strewn in the crematorium's garden of remembrance. Close family members or friends may apply in writing to the Council for the ashes to be given to them.

Property Search

Before making any funeral arrangements two members of the Environmental Health team will make a search of the deceased's last known address in order to find any possible will has been left, information about family and/or friends and any items or cash that may be used to go towards the cost of the funeral. Any items will be retained at the Council offices for a period of six months before being disposed of. On no account will the Environmental Health team be responsible for the cleaning or clearing of the property. Once the search has concluded the property will be secured and the keys returned to the appropriate person. Unless there is a living relative, executor or a will the case, where appropriate, will be referred to the Treasury Solicitors and their instructions will then be followed.

Executors of a Will

In those cases where an executor can be identified no funeral arrangements will be made by the Council unless the executor makes a formal renunciation of the will and state that they are rejecting their duties and have no involvement in undertaking any arrangements for the funeral.

Estate Administration

At no time will any money or property be given by the Council to any family member or friend unless legally directed to do so by the proper authority. The Council is entitled to recover its costs as detailed above, but it does not administer the deceased's estate. Once funeral costs have been recovered, if there is an estate surplus of more than £500 then the matter will be passed to the Treasury Solicitor under Bona Vacantia. However where there are known family members the case cannot be referred. In those instances the Council will hold the money until somebody comes forward with letters of administration from the court.