

Southend-on-Sea Borough Council

**Report of Executive Director Neighbourhoods and
Environment**

To

Cabinet

On

14th January 2021

Report prepared by: Elizabeth Georgeou - Head of
Regulatory Services

**Agenda
Item No.**

Public Health Act Funerals Policy

Cabinet Member: Councillor Terry

A Part 1 Public Agenda item.

1. Purpose of Report

To request that Cabinet consider the adoption of the Public Health Act Funeral Policy and for Regulatory Services to review the Policy on an annual basis.

2. Recommendation

- 2.1 That Cabinet agrees to adopt the Public Health Act Funeral Policy, November 2020.
- 2.2 The Cabinet agrees that Regulatory Services review the Policy on an annual basis and present any proposed changes to the Policy to Committee for adoption.

3. Background

Southend-on-Sea Borough Council has a statutory duty under Section 46(1) of the Public Health (Control of Disease) Act 1984 ("the Act") to bury or cremate the body of any person who has died or found dead within the Borough boundaries, where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made. This includes those that die as in-patients in Hospital.

The responsibility for making arrangements for those that have died in Southend Hospital transferred to the Council in April 2019. This has resulted in an additional demand on the service.

The statutory duty is in place as a public health protection rather than a social care or welfare issue.

In addition to those who do not have anyone to make funeral arrangements it is recognised that funeral poverty may mean that family members cannot afford to make their own arrangements. There are also circumstances where families choose not to take on this responsibility. In all these cases the responsibility falls to the Council.

Where there are families who are receiving benefits the Council is able to direct individuals to the funeral payments which are available from the Social Fund, and can then make their own arrangements should they wish to do so .

The Council is able to recover the costs, where they have made the funeral arrangements, where the deceased had assets available to do so.

There are no regulations which set out what the Council should provide as part of a public health funeral, it is for each Council to decide. A recent report produced by the Royal London '*Public Health funerals the UK Time to end the postcode lottery*' details the Councils who do not return ashes to bereaved families, makes a charge for returning ashes and / or does not allow family members to attend a public health funeral.

In 2019-20 the Council were asked to assist with 41 public health burials, of which the Council organised 22 funerals and either found a next of kin or established other arrangements were in place for the other 19 funerals. Since April 2020 the Council has already been asked to assist with 53 public health burials. The Council has arranged for 16 funerals, and either found the next of kin or established other arrangements were in place.

It is proposed that to provide dignity to those who may be suffering from funeral poverty that in addition to the statutory requirement to arrange for the cremation or burial, that a short service is arranged, and paid for by the Council. It is also proposed that the ashes are returned to bereaved families without charge. The anticipated cost of the short service is detailed in Section 6.2.

4. Other Options

4.1 This is a statutory duty and if not properly resourced may result in:

- the Council taking a longer time to discharge this duty;
- a reduced ability to recover assets to help in covering the cost where assets are available; and
- reduction in the number of family members identified who will then make their own arrangements.

5. Reasons for Recommendation

5.1 The arrangements for public health burials /cremations are a statutory responsibility and in order to provide transparency to the process it proposed that the Council detail its policy and publish this on the Council's website.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

This service contributes to the Safe and Well outcome assisting vulnerable families that may experience funeral poverty to provide dignity to those families using this service.

6.2 Financial Implications

The resource allocated to Regulatory Services in April 2019 to discharge this duty was one officer for one day per week. Recording of officer time during the first

year has demonstrated that additional officer time, over that originally estimated, is required. The cost of the Council providing a short service at the funeral is estimated to cost £4,000 in total per year.

6.3 Legal Implications

Under section 46(1) of The Public Health (Control of Disease) Act 1984 (“the Act”) the Council are under a duty to “cause to be buried or cremated the body of any person who has died or 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”.

6.4 People Implications

The demand on Regulatory Services is an additional one day per week 0.2FTE. The duty for public health burials was passed to Regulatory Services on 1 April 2019 and it was estimated at that time by the department that previously dealt with public health burials, that the resource required would be one officer for one day per week. The estimate was not based on any time monitoring and was before the transfer of the duty from the Hospital to the local authority to make arrangements for when in-patients die in Hospital. Time monitoring was undertaken for the first year and has demonstrated the additional resource required. There is currently no additional funding available to meet this shortfall and the team will review current arrangements to continue to absorb this additional work.

6.5 Property Implications

None

6.6 Consultation

The consultation took place between 23 September to 23 October 2020. The consultation was promoted across social media, through the interactive consultation portal, the local hospital, coroners and funerals directors. Responses to the consultation suggestions is contained in **Appendix 2**.

6.7 Equalities and Diversity Implications

Completed.

6.8 Risk Assessment

The Council has a statutory duty on public health grounds in order to ensure that suitable arrangements are made where there is no next of kin, or no-one willing to undertake these arrangements. Failure to deliver this service may result in distress to families where additional time is taken to make arrangements, and the Authority’s ability to reconnect family and friends who may wish to make their own arrangements. It may also result in a failure to recover costs, where there are assets available, and additional costs for mortuary services.

The policy to fund a short service, and allow the ashes to be given to the bereaved provides dignity, which otherwise may impact on the wellbeing of the more vulnerable.

6.9 Value for Money

In line with the provisions of “the Act” the Council will try to trace next of kin to enable relatives to take responsibility for making arrangements where they are willing and able to do so. Where this is not the case the Council will seek assets, as permitted in “the Act” to cover the cost of the funeral arrangements, where

there are assets to do so. The Funeral Directors undertaking the arrangements on behalf of the Council will be procured through the Council's procurement process.

7. Background Papers

Royal London '*Public Health funerals the UK Time to end the postcode lottery*'.

8. Appendices

Appendix 1 - Public Health Act Funeral Policy;
Appendix 2 – Consultation Responses.