

Public Health Funerals Policy

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Contents

Introduction, Background, Consultation & Engagement Approach, Response rate	2
Overview of results	
<ul style="list-style-type: none">• To what extent do you agree or disagree that the proposed policy treats the deceased with dignity and respect?	3
<ul style="list-style-type: none">• To what extent do you agree or disagree with the reasons for the need for Public Health Funerals? (please refer to section 1.3 of the draft policy)	3
<ul style="list-style-type: none">• To what extent do you agree or disagree that the Council should act to arrange a Public Health Funeral if....(please refer to section 1.7 of the draft policy)	4
<ul style="list-style-type: none">• Do you have any comments in regards to your response above?	4 - 6
<ul style="list-style-type: none">• Overall, how satisfied or dissatisfied are you with the proposed Public Health Funerals policy?	7
<ul style="list-style-type: none">• Are there any areas of the policy that you would like to comment on?	7 - 9
About you	10 - 13
Next Steps	14
Appendix - Response submitted by the funeral poverty project 'Down to Earth', run by independent charity Quaker Social Action	15 -19

Introduction

In specific circumstances, Hackney Council has a legal responsibility to make provision for a Public Health Funeral for someone who has died within the borough.

Hackney Council does not currently have a policy which sets out when and how such a funeral will be considered. Having a written formal policy is recommended in the Government's guidance on Public Health Funerals and would help ensure that such a policy is applied in accordance with recommended best practice.

Background

The Hackney Mortuary and bereavement services are provided by Hackney Council. The proposed policy has been distributed to the Homerton NHS Trust, Human Tissues Authority and staff members in the Coronial District.

Having a policy will ensure that the deceased, their family and communities are aware of how and when Hackney Council will consider providing a Public Health Funeral for someone who has died within the Borough. It will support the next of kin in knowing how and when a funeral needs to be arranged and by what process the Council will determine whether a Public Health Funeral needs to be provided in the event that no next of kin have been identified, or the next of kin has declined to arrange a funeral or if there insufficient funds to pay for a funeral.

Consultation & Engagement Approach

The consultation was created and published on Citizen Space, the Council's survey platform, and was live from 13 November 2023 until 17 January 2024. Communications were sent out via the following channels, with reminders throughout the course of the consultation being live:

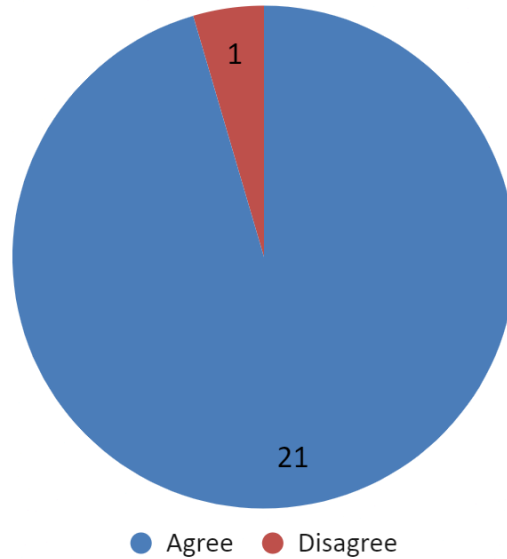
- Social media - Twitter, Facebook
- Hackney.gov.uk news page
- Newsletter - Corporate newsletter and community champions
- Press release
- Love Hackney - November/December edition
- Emails to neighbouring boroughs and the coronial district

Response rate

A total of 22 respondents took part in the consultation.

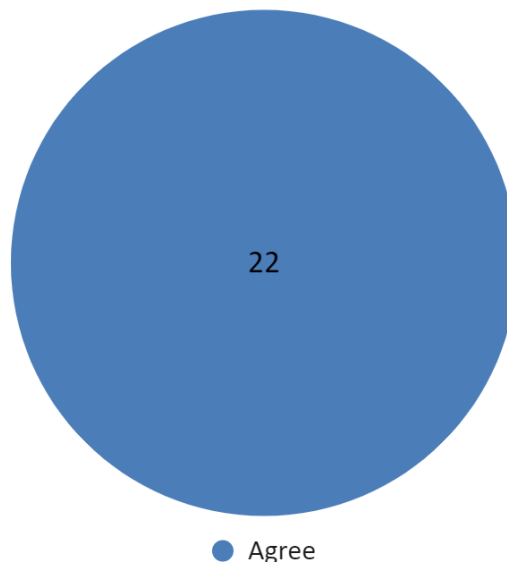
Overview of results

To what extent do you agree or disagree that the proposed policy treats the deceased with dignity and respect? (Base 22)



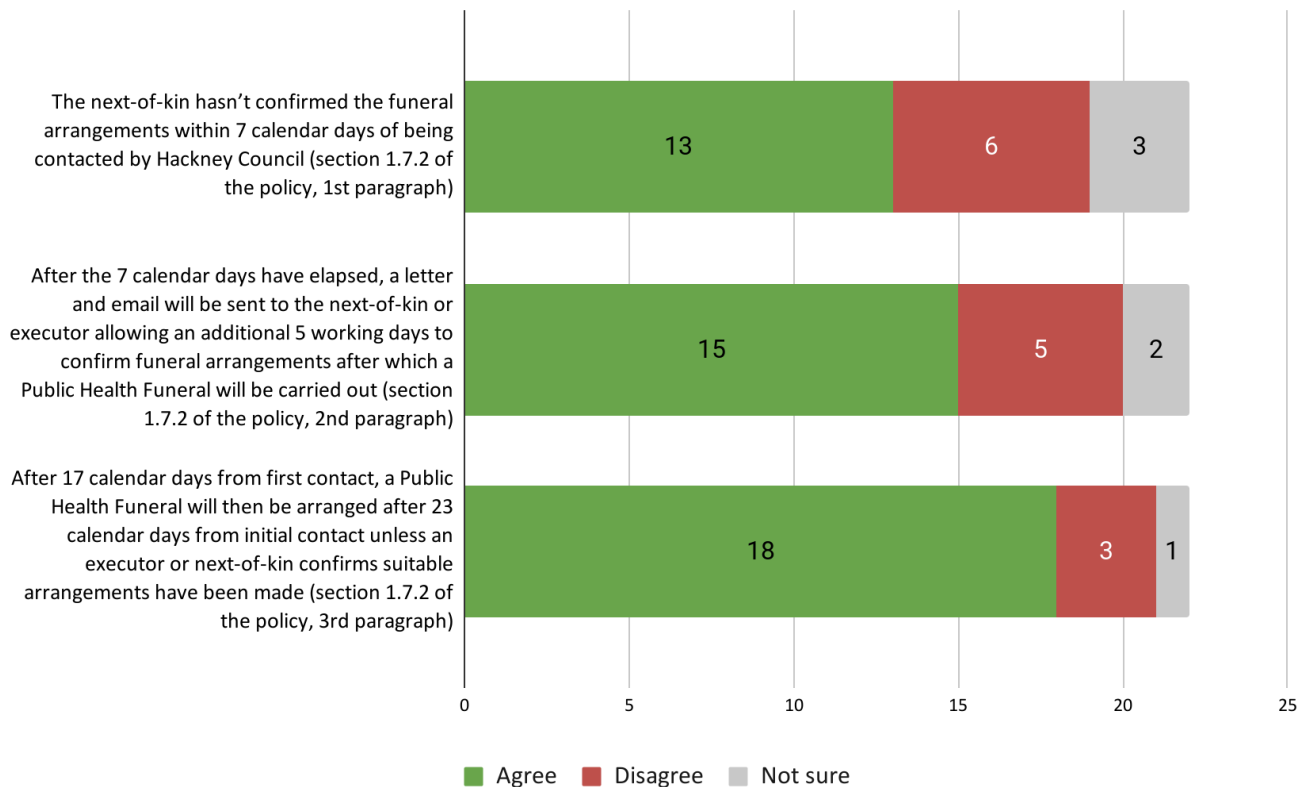
The majority of respondents stated that they agree with the proposed policy, in respect that it treats the deceased with dignity and respect.

To what extent do you agree or disagree with the reasons for the need for Public Health Funerals? (please refer to section 1.3 of the draft policy) (Base 22)



All respondents agreed with the reasons for the need for Public Health Funerals.

To what extent do you agree or disagree that the Council should act to arrange a Public Health Funeral if....(please refer to section 1.7 of the draft policy)



The chart above represents the process of when the Council will act if either the executor of the next of kin does not arrange a funeral for the deceased.

The responses show a higher agreement later in the process when compared to the start, but the majority of respondents are still in agreement.

**Do you have any comments in regards to your response above?
(10 comments from respondents with responses from the Deputy Director of Public Health)**

- 7 days is too short if someone is away/travelling/doesn't have money. I'm also not sure whether 7 days will be counted from the date the letter is printed vs the date it's delivered (I assume it's not recorded delivery)
 - *The timeframes were developed in order to comply with the requirements to treat the deceased with dignity and respect and provide sufficient times for families to initially confirm if they will be making their own arrangements. The initial 7 days is for families to make an initial indication of whether they will be making their own*

arrangements and additional time is provided if they do not respond before the council will consider making arrangements for a public health funeral

- I feel there should be some flexibility on the length of time of the initial contact stage - NOK may need more time to research funeral options and/or access funding.
 - *The timeframes were developed in order to comply with the requirements to treat the deceased with dignity and respect and provide sufficient times for families to initially confirm if they will be making their own arrangements. The initial 7 days is for families to make an initial indication of whether they will be making their own arrangements and additional time is provided if they do not respond before the council will consider making arrangements for a public health funeral*

- I think the first stage should be longer, replicated in the other stages too. People may not be in a position to process the request due to grief etc.
 - *The timeframes were developed in order to comply with the requirements to treat the deceased with dignity and respect and provide sufficient times for families to initially confirm if they will be making their own arrangements. The initial 7 days is for families to make an initial indication of whether they will be making their own arrangements and additional time is provided if they do not respond before the council will consider making arrangements for a public health funeral*

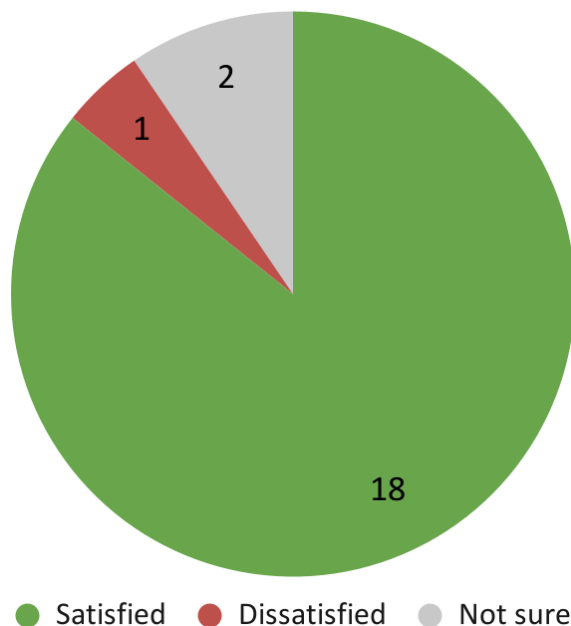
- It is good to have a timeline for ensuring the deceased has a funeral within a respectable period post death. Unfortunately these timescales have to be fluid when for reasons out of your control they cannot be followed, maybe a caveat should be made in the policy
 - *The timeframes were developed in order to comply with the requirements to treat the deceased with dignity and respect and provide sufficient times for families to initially confirm if they will be making their own arrangements. The initial 7 days is for families to make an initial indication of whether they will be making their own arrangements and additional time is provided if they do not respond before the council will consider making arrangements for a public health funeral*

- Make sure u send CERTIFICATE to buried loves one some like to be buried with 2 days a lot of people have bought pots funeral CERTIFICATE when people ask strange away so they can get buried council very slow to do this

-The Public Health funerals policy does not cover when and how a death certificate is issued. The process by which a death certificate is issued is detailed here <https://hackney.gov.uk/deaths>

- No, but to the first question: if someone who resides in Hackney dies anywhere else in or within x miles of London, Hackney should have the responsibilities than when they die in Hackney.
-The legislation makes clear that the duty to provide for a public health funerals policy only applies to people who die within Hackney.
- "Seems appropriate to balance giving time for an interested NOK to respond vs. public health concerns.
-We have sought to balance the timescales with that of our legal responsibilities.
- However, it is important to note that this delay is not appropriate for certain religions which would need a funeral to take place within 24 hours. "
-The Public Health funerals policy does not cover when and how a death certificate is issued. The process by which a death certificate is issued is detailed here <https://hackney.gov.uk/deaths>
- Some people have already paid for there funeral make the only thing u have to do send the certificate in buried within 2 days no later never delay when someone dies n Dr's have seen n done they part, etc if up to the council to sort everything as soon us possible when someone has paid for the funeral to vet buried thank u hope this makes all of sense.
-The Public Health funerals policy does not cover when and how a death certificate is issued. The process by which a death certificate is issued is detailed here <https://hackney.gov.uk/deaths>
- Time frame is far too tight
-The timeframes were developed in order to comply with the requirements to treat the deceased with dignity and respect and provide sufficient times for families to initially confirm if they will be making their own arrangements. The initial 7 days is for families to make an initial indication of whether they will be making their own arrangements and additional time is provided if they do not respond before the council will consider making arrangements for a public health funeral

Overall, how satisfied or dissatisfied are you with the proposed Public Health Funerals policy? (Base 21)



The majority of respondents stated that they are satisfied with the proposed funerals policy.

**Are there any areas of the policy that you would like to comment on?
(9 comments from respondents with responses from the Deputy Director of Public Health)**

- "1. I am unclear how the council would decide on ""cultural norms"" as to whether to cremate or bury the body.
 - *A cremation is usually provided for a public health funeral. However if the council believes that this would not be appropriate due to cultural or religious practices of the deceased then a burial will be provided for.*
- 2. I think the policy should allow for more time where NOK is known but are themselves unable to act within the timescale due to e.g. illness, living abroad. The family should be treated with dignity as well as the deceased.
 - *The timeframes were developed in order to comply with the requirements to treat the deceased with dignity and respect and provide sufficient times for families to initially confirm if they will be making their own arrangements.*
- 3. The last sentence of the policy reads ""Any such arrangements will be reviewed at least every seven calendars..."" - ""every seven calendars"" does not make sense."

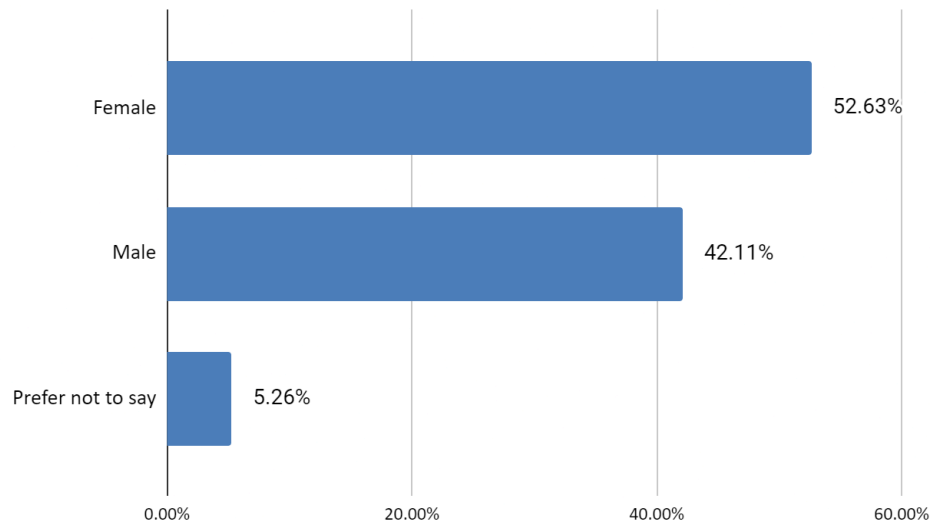
- *The last sentence of the policy refers to emergency situations when mutual aid may need to be applied. If mutual aid is not available then a temporary variation in the timescales may be considered. This would only be applied in emergency situations*
- Buried with 2 days certificate as soon as possible once the Dr's been, etc.
 - *The Public Health funerals policy does not cover when and how a death certificate is issued. The process by which a death certificate is issued is detailed here <https://hackney.gov.uk/deaths>*
- I am glad that a formal policy on Public Health Funerals is being put into place. However I would like some more clarity in section 1.4 - what is meant by 'Quick access after eligibility proven' and 'Rapid access to funds' ? Given that financial support for funerals is often outside of council control e.g. DWP, charitable funding etc. then how can the council influence this?
 - Eligibility and the process for applying for funding is covered here <https://www.gov.uk/funeral-payments> with more details on the council's website here <https://hackney.gov.uk/funeral-services>.*
- I hope you have your own cremation thing/ building and not just subsidising a funeral business in hackney because that could be expensive
 - Hackney council does not provide a crematorium and arrangements for public health funerals were subject to a procurement process which ensures a high quality service is provided whilst still delivering the legal obligation to deliver Best Value.*
- If a Hackney resident dies in/within x miles of London, Hackney should have the same responsibilities than if they died in Hackney.
 - The legal requirements as to which local authority is responsible for a death is set down by national legislation and Hackney Council is only responsible for a Public Health Funeral for those who have died within the borough.*
- It's not made clear after how many days Hackney Council will try to recover debts using court orders/debt collection agencies. If these are initiated within the 30 days calendar month, it might be hugely controversial for grieving people to have to try and face that on top of the loss of a loved one. There should be a clearer action plan outlined of when debt collection/going to court is initiated (I'd say 3 months is a good point) and having a clear plan of trying to follow up and resolve with the estate, banks, NOK etc before resorting to this.
 - Funeral expenses are the first charge on the estate of the deceased and the council will seek to recover the costs of a funeral from the*

estate of the deceased. How the council decides on when and how to seek to recover a civil debt is outside of the scope of this policy.

- Send CERTIFICATE when people die so we can buried them soonest possible don't delay us
 - The Public Health funerals policy does not cover when and how a death certificate is issued. The process by which a death certificate is issued is detailed here <https://hackney.gov.uk/deaths>*
- Time scales need to be looked at that are very short and do not give enough time realistically to find next of kin or for families in these situations to come to terms with their needs
 - The timeframes were developed in order to comply with the requirements to treat the deceased with dignity and respect and balance providing sufficient time for families to initially confirm if they will be making their own arrangements.*
- What steps you intend to take to search for the next of kin in the first instance and how in-depth this search will be, who you will use etc.
 - The Council details the steps we will take to identify the next of kin here <https://hackney.gov.uk/funeral-services>. If next of kin is known but cannot be located the deceased person (their name, date of birth, place of birth) will be referred to a probate genealogist. In rare circumstances, when no information about the deceased is available, the local authority may need to enter the deceased's property or residence to carry out a property search and will liaise with the property owner/landlord.*

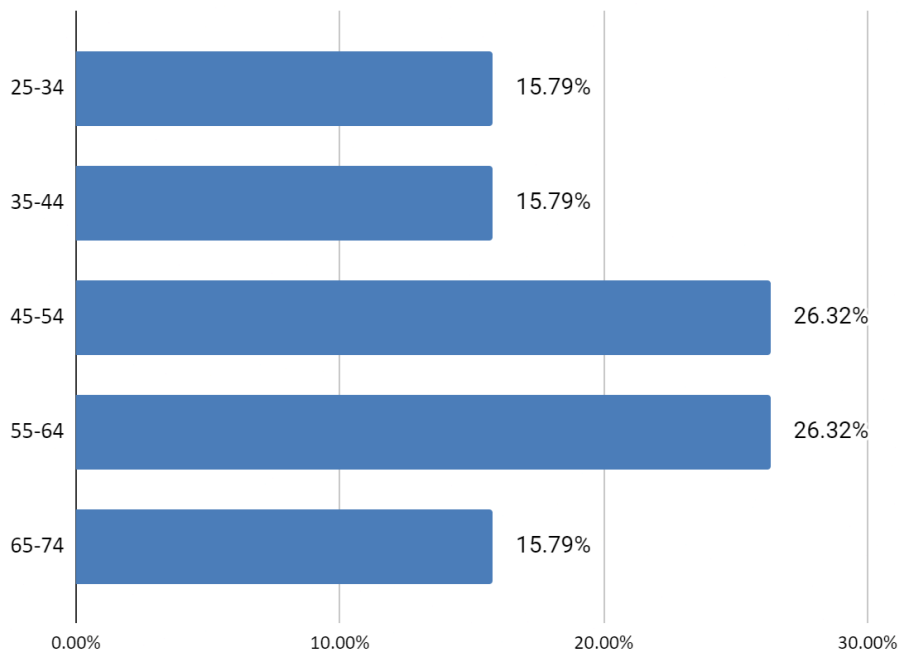
About you

Gender: Are you... (Base 19)



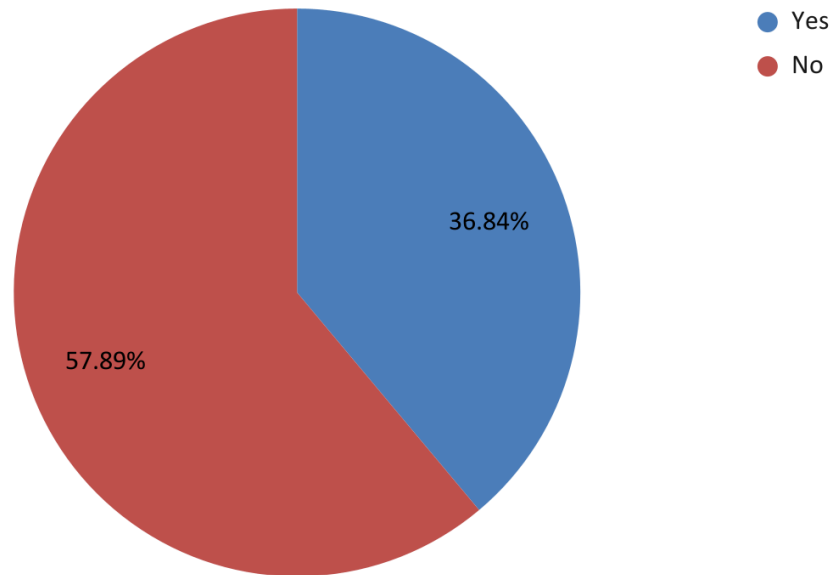
There was a fairly even split of female and male respondents who took part in the survey (10 and 8 respectively). All others accounted for a much smaller percentage.

Age: what is your age group? (Base 19)



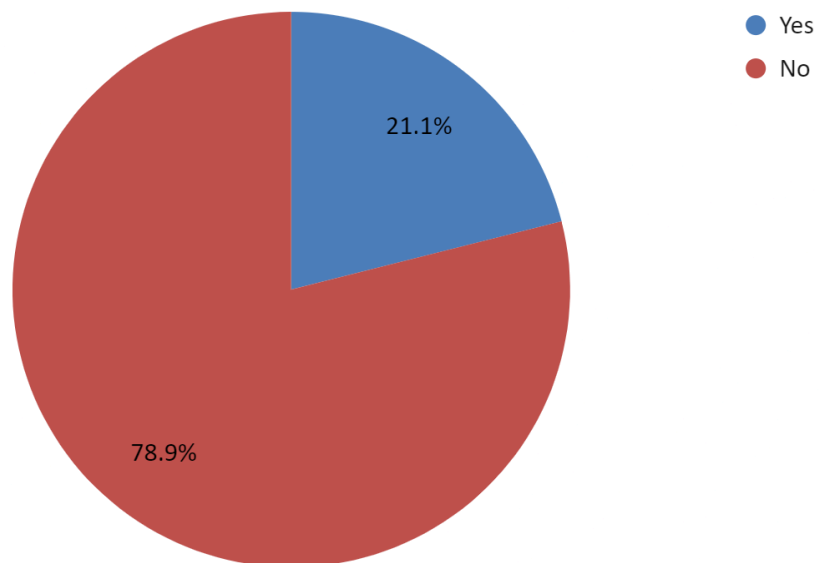
The highest percentage of respondents stated that they were in the 45-64 age groups (10). All others accounted for 3 respondents each.

Do you consider yourself to be disabled? (Base 18)



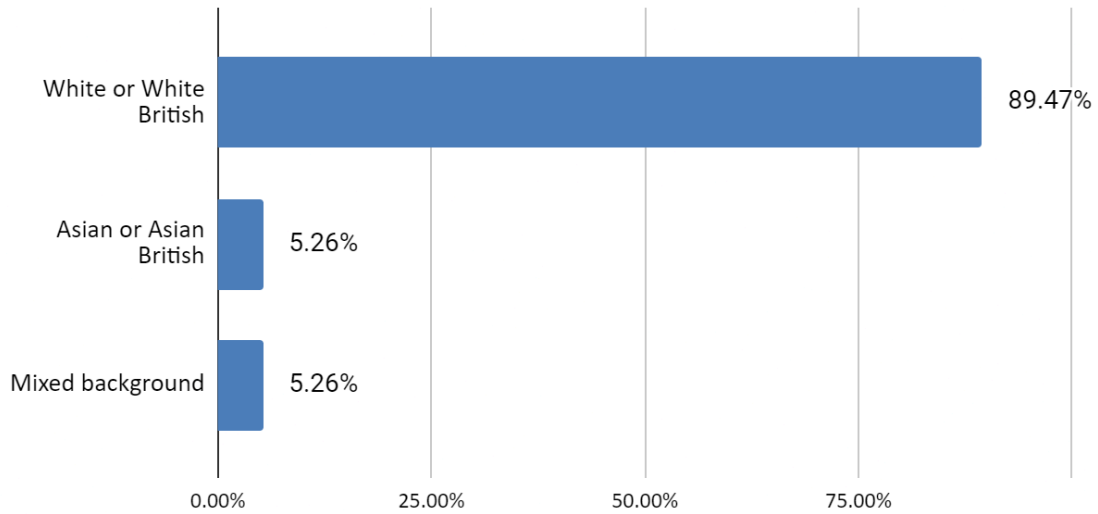
Almost two thirds of respondents stated that they consider themselves to be disabled (11) with just over a third stating they do not (7).

Do you regularly provide unpaid support caring for someone? (Base 19)



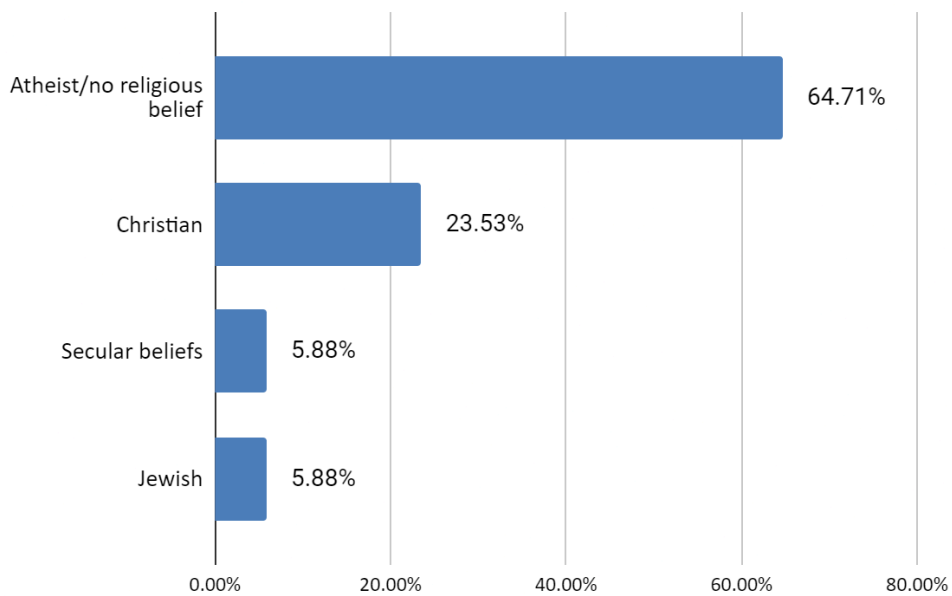
The majority of respondents stated that they do not have caring responsibilities (15), with just over 21% stating that they do (4).

Ethnicity: Are you... (Base 19)



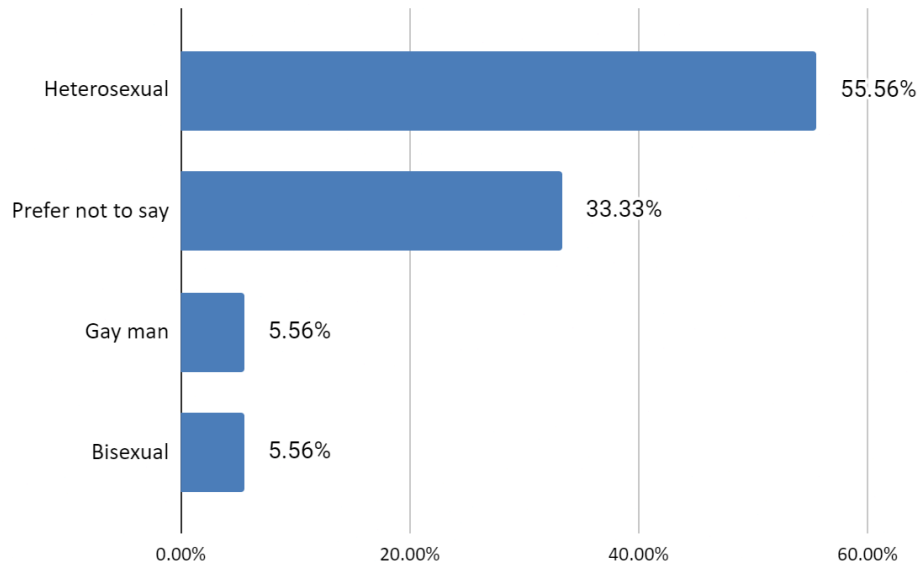
The majority of respondents stated that they were “White or White British” (17). All others accounted for a much smaller percentage.

Religion or belief: Are you or do you have... (Base 17)



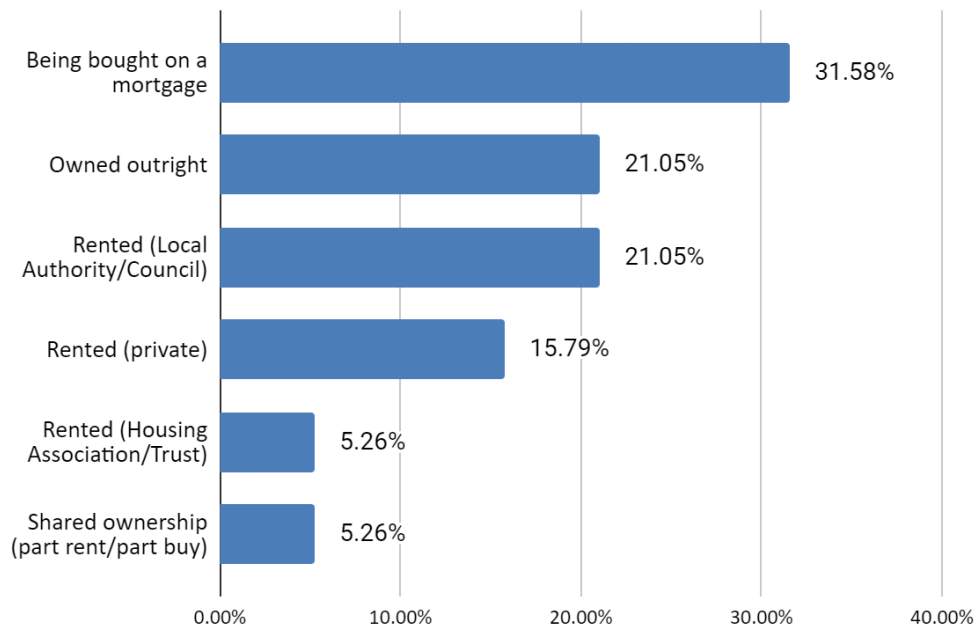
The majority of respondents, at just under 65%, stated that they were “Atheist/no religious belief” (11). The next highest was “Christian” (4) and then “Secular beliefs” and “Jewish” (1 each).

Sexual orientation: Are you... (Base 18)



The majority of respondents, at just over half, stated that they were “Heterosexual” (10). This was followed by those who “prefer not to say” (6), and “Gay man” and “Bisexual” (1 each).

Housing Tenure: Which of the following best describes the ownership of your home? (Base 19)



The highest percentage of respondents, at just under a third, stated that their property was “being bought on a mortgage” (6). This was followed by those who “owned their property outright” and “renting from a local authority/council” (4 each), renting privately (3), and “renting from a housing association/trust” and “shared ownership” (1 each).

Next steps

The Deputy Director of Public Health will update the lead Cabinet Member, Cllr Kennedy, on any issues raised through the consultation and will present a summary of issues and potential impact on the policy to cabinet as part of the key decision.

Feedback will be available in the public domain as part of the key decision in cabinet.

Appendix

The response below was submitted by the funeral poverty project 'Down to Earth', run by independent charity Quaker Social Action:

We have selected that we are 'fairly dissatisfied' with the policy partly because we feel there is a lot of important information missing. However, we want to stress that we are very positive about a lot of the content and about what we believe to be the general intentions of the policy.

We note that the Equality Impact Assessment specifically mentions that "Hackney Council does not currently have a policy which sets out when and how such a funeral will be considered", but we believe that the policy should encompass all aspects of the council's provision, not just when and how one will be considered. This is in line with section 7 of the Government's Good Practice Guidance, which lists what a policy should contain. The council's webpage about public health funerals (<https://hackney.gov.uk/funeral-services>) is excellent and we believe that the policy should contain all this information, so it is clear for both the public and staff what is expected. If the policy is made available on the website as it stands, we believe it will produce a confusing landscape as they do not match.

We also note that the Equality Impact Assessment for this policy does not even keep solely to when and how a public health funeral will be considered anyway, as it mentions, for example, detail about what will happen to the ashes of the deceased person at 4.2. Yet strangely this is not contained in the policy.

If however, the council decides to keep the policy to just when and how a public health funeral will be considered, we believe it at least needs to include a section about where referrals can come from. For example, the Government guidance says in section 1 that "notification can be given by the family or a friend of the deceased, nursing or care home, coroner or the police" and the council's website currently says, "cases are referred from the coroner's office, hospices, social services, housing offices, care homes, private landlords and other people."

We understand from 4.1 of the Equality Impact Assessment that this policy is intended to be available to the public, this is also said to be best practice by the Government guidance. Therefore, we suggest that some of the policy would benefit from being rephrased to make it clearer and easier to understand, and as sensitive and respectful as possible. For example, we suggest changing the word "deceased" to "deceased person" wherever it

appears. We have also made some suggestions on clarity below, but these are not exhaustive.

The following comments all relate to the corresponding sections of the policy.

1.2.6 “The Council will usually provide for a cremation as the Public Health funeral option unless there is clear evidence that this is not appropriate based upon the religious or cultural preferences of the deceased in which case a burial in accordance with the Government Good Practice guide will be provided.” This is more restrictive than either the Public Health (Control of Disease) Act 1984 or the Government’s guidance provides. The law states that the local authority only needs “reason to believe that cremation would be contrary to the wishes of the deceased.” Those wishes do not have to be based on religious or cultural preferences, and the phrasing here could exclude anyone who simply did not want to be cremated, without any special religious or cultural basis for that wish. It may be that this is a mistake, as the council’s webpage on public health funerals says, “unless it is established that the deceased would have chosen burial for religious, cultural or personal reasons”. It is also, as stated above, a legal duty to provide a burial if cremation was contrary to the deceased person’s wishes, whereas the policy seems to suggest it is just related to good practice. We think it would also be helpful to list the options given in section 4 of the guidance for ascertaining the deceased person’s wishes, or at least to refer to that list here, so that staff, family, and communities know what type of “evidence” can be accepted.

“No other funeral arrangements will be provided.” It is unclear what this is referring to. Does it mean that, beyond burial, the council won’t provide for any other personal preferences, including any other requirements the deceased person had in relation to their religion or beliefs? If so, Section 4 of the Government guidance says it is good practice to at least consider this and gives a list of examples, while noting it’s important these considerations are balanced with local factors such as cost, resources and operational requirements.

The statement could also be understood to mean that the council will only provide a cremation or burial, with absolutely no other arrangements e.g., no service. We suspect this may not be what’s intended as it is contrary to the information on the council website. However, just in case, we would like to express that, while we understand there is no legal duty for the council to provide a service, we consider it to be best practice. Therefore, not providing one would, in our view, indicate the council’s policy going in the wrong direction, and not treating the deceased person with dignity and respect. The website states, “the council’s contracted funeral directors will provide everything necessary for a simple but dignified service, including a coffin,

transport of the deceased to the crematorium or cemetery in a hearse, and sufficient bearers to transfer the coffin to the chapel. The funeral director may also arrange for a minister of religion or a representative of the faith of the deceased to lead the service. If a non-religious service is appropriate, a civil funeral celebrant will be used. Family and friends may attend the funeral service but will have no choice as to where and when it is held.”

Whatever is intended by “no other funeral arrangements will be provided”, more clarity is needed.

1.3 While we strongly agree with the inclusion of all the categories listed, we are unclear whether “does not have the means” also includes those who do not have the capacity to arrange the funeral due to health needs, in addition to those who don’t have the financial means. It would be good if this could be clearly included. We also feel the first sentence could be more clearly phrased, for example, “There are four principal categories why a Public Health Funeral occurs – when the next of kin (NOK)”. Also, the phrasing of the four reasons is inconsistent making it a little hard to read i.e., consider changing 3 to “Are not identified” and 4 to “Do not respond”.

1.4 The wording of this section of the draft policy is unclear. We think this is about giving next of kin who ARE taking responsibility for the funeral some information about available financial support. However, we are unclear what the second bullet point refers to - “quick access” to what? As regards quick/rapid access, eligibility and funds, is this with reference to the DWP’s Funeral Expenses Payment or charity grants? If so, the council has no control over these sources of funds and, in our experience, they are rarely “quick” or “rapid”. The DWP’s target processing time, for example, is 13 working days. If it doesn’t refer to these things, we are unclear what is being referenced. At the moment the text is unclear and could easily be construed as misleading or inaccurate.

We also suggest it may be better to specify what alternative arrangements are available for the provision of information, to make clear whether the information will be fully accessible to all, rather than just saying that this can be provided on request.

1.5.2 Strictly speaking, funeral expenses are the first charge on an estate after secured debts, as referenced in Section 6 of the Government guidance. In addition, the phraseology here is unclear as it reads as if the council could seek to recover the money from the executors/next of kin personally, which they are not allowed to do, as opposed to recovering it from the estate of the deceased person via them. We are also unclear what “if no other arrangements are

made” refers to? What kind of “other arrangements”? If we are not clear, many families are also unlikely to be.

1.6.3 For clarity we suggest adding an “and” and deleting “of” in the last sentence to read, “The responsibility for arranging a Public Health Funeral and contacting NOK rests with the local authority where the death occurred”.

1.7.1 For clarity and accuracy, we’d like to suggest this be changed to the following one sentence: “If the executor or NOK refuses or is unable to arrange a funeral, a public health funeral will be arranged without further delay, and costs sought from the estate of the deceased person.” We consider it unfair to classify everyone who does not arrange a funeral as ‘refusing’ to do so, we also don’t think the council means to do this, going by the rest of the policy and the Equalities Impact Assessment. The sentence, as it is in the draft policy, would also appear to suggest that the council does not have a legal duty where people are unable to make arrangements, which is not the case and, again, we don’t think is what’s intended. Our suggested amendment takes into consideration situations where a person (such as the next of kin) has no financial or health capacity to make funeral arrangements.

1.7.2 For clarity we suggest in para 3, second sentence, changing “after” to “following” i.e., “...after 23 calendar days following initial contact...”. We feel it is currently a bit difficult to read.

1.7.4 We find the timelines in this section very confusing. The first two paragraphs appear to have been written only to refer to occasions when there is a NOK, as the only reference to 23 days elsewhere in the policy relates to 23 days after making initial contact with the NOK. It may be that it is just an oversight that this section doesn’t adequately relate to those who die without NOK but, if it is the intention, we would argue that clear storage information needs to be given for all situations to ensure the policy treats every deceased person with dignity and respect. For example, the first paragraph gives “up to 23 days” as the length of time the body will be stored “whilst enquiries are being made”, but this could presumably be for up to 37 days (14 days searching for NOK and then, if found, 23 days allowance for them to make arrangements.)

In paragraph two we suggest adding the following to the first sentence: “After 23 days FOLLOWING INITIAL CONTACT WITH THE EXECUTOR OR NOK, a funeral should be arranged, and the body collected within 7 days” as this will make this paragraph a lot clearer. It will also avoid the next sentence, “storage beyond 30 days is not available”, appearing to contradict the timescales set out in 1.7.2 and 1.7.3. If the NOK has to be traced, the maximum amount of time the body could be stored for is presumably 44 days (14 days, plus 23 days, plus

7 days), not 30 days. At the moment, without the added context that day 1 is when initial contact was made with the NOK, it appears to say that 30 days is the absolute maximum.

1.7.5 Please clarify if the reference is to seven calendar days.

This consultation response was compiled and submitted by the funeral poverty project Down to Earth, run by independent charity Quaker Social Action. We support people struggling to pay for a funeral through our UK-wide funeral costs helpline, and we campaign for change in central and local government, and the funeral industry, to ensure that everyone can access an affordable dignified funeral: www.downtoearthsupport.org.uk. Please don't hesitate to get in touch if you would have any questions or would like to discuss our response."