

PUBLIC HEALTH FUNERALS POLICY

Draft for consultation

Proposed implementation date 6th May 2024

For review by December 2026

1. Introduction

This document sets out Hackney Council's approach to when and how a Public Health Funeral will be undertaken. Hackney Council and our partners in the Inner North London Consortium will work together to provide a dignified Public Health Funeral in circumstances outlined below.

1.1. National practice on Public Health Funerals

The approach outlined has been informed by the Government Good Practice Guidance on Public Health Funerals (2020)¹.

1.2. What is a Public Health Funeral?

- 1.2.1. The term 'Public Health Funeral' is used to describe the process that Hackney Council uses to fulfil its statutory duties under the Public Health (Control of Diseases) Act 1984, Section 46 "that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority".²
- 1.2.2. Public Health Funerals are designed to protect public health and are important in ensuring that all individuals are treated with dignity and respect, regardless of their circumstances. The provisions within Section 46 of the Public Health (Control of Disease) Act 1984 were developed to protect public safety and limit the spread of infectious diseases.
- 1.2.3. The Council will take reasonable steps, in keeping with national guidance, to locate next of kin or living relatives or friends of the deceased in order that they can confirm funeral arrangements including meeting the costs of funerals
- 1.2.4. Local authorities also have responsibilities where the deceased were provided with accommodation in care settings.
- 1.2.5. The Council has no duty in the following situations and therefore will not take responsibility for funeral arrangements, if;
 - funeral arrangements have already been made
 - the funeral has taken place
 - the death occurred outside of the Borough even where the person's main residence is in the Borough
- 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. No other funeral arrangements will be provided.

¹ [Government good practice guidance on public health funerals](#)

² [Section 46 of the Public Health Act 1984](#)

1.3. Reasons for the need of Public Health Funerals (PHF)³

There are four principal categories for why a Public Health Funeral occurs as the next of kin (NOK):-

1. Express no interest in organising the funeral
2. Do not have the means to organise the funeral
3. Not identified
4. Not responding within a reasonable time frame meaning the deceased needs to continue to be stored for periods contrary to the requirements of the Human Tissues Authority and Public Health Act.

1.4. Information on Financial Support for Next of Kin with funerals

The council will take reasonable steps to provide Information by providing an online webpage to support the NOK including:

- Where support lies
- Quick access after eligibility proven
- Rapid access to funds

Alternative arrangements for information other than on a webpage can be provided on request.

1.5. Recouping funeral costs

- 1.5.1. Hackney Council will seek to recover the costs involved in making the funeral arrangements (Section 5, The Public Health, Control of Disease Act 1984).
- 1.5.2. Funeral expenses are the first charge on an estate and Hackney Council will seek to recover this from the personal representatives if no other arrangements are made.
- 1.5.3. Hackney Council will contact the bank of the deceased person where there is no will or probate, and upon providing evidence of death and an invoice for the cost of delivering the funeral, will seek to recover funeral costs.
- 1.5.4. Hackney Council may initiate court action to seek to recover the debt in accordance with prevailing legislation this includes the power to pursue the claim as a civil debt.

³ This information draws on the London Resilience Mortality Management Group Paper (2020)

1.6. Public Health Funerals and hospital settings

- 1.6.1. Hackney Council will work with the NHS hospitals located in Hackney e.g NHS Homerton, East London Foundation Trust to ensure local NHS policies are in place which clarify local roles, responsibilities and arrangements.
- 1.6.2. In the event that suitable arrangements can not be made by the NHS trusts then Hackney Council will apply the Public Health Funerals Policy.
- 1.6.3. Any death in a hospital setting outside of Hackney is not the responsibility of Hackney council even if the death was of a resident. The responsibility for arranging a Public Health Funeral, contacting NOK rests with the local authority of where the death occurred

1.7. When will the Council act to arrange a Public Health Funeral?

- 1.7.1. If the executor or NOK refuses to arrange a funeral. A Public Health funeral will be arranged without further delay and costs sought from the estate of the deceased.

- 1.7.2. **If an executor or NOK is known:**

An executor or NOK should confirm within 7 calendar days of being contacted by Hackney council what arrangements they plan to make for a funeral including name of funeral director and date of funeral.

If after 7 calendar days arrangements have not been confirmed by the NOK or executor then a letter and email will be sent by Hackney council. This will request confirmation of arrangements within 5 working days or the Council will take steps to arrange for a Public Health Funeral and seek to recover costs.

A final letter and email confirming that a Public Health funeral will be arranged will be sent 17 calendar days after first contact. A Public Health Funeral will then be arranged after 23 calendar days after initial contact unless an executor or NOK confirms suitable arrangements have been made.

- 1.7.3. **If an executor or NOK is not known:**

The Council will take reasonable steps to seek to identify NOK or close relatives. These steps can be time and resource intensive and a balance needs to be struck between unduly delaying a funeral, contrary to the legal requirement that the deceased must be treated with dignity and respect, and allowing more time whilst further enquiries are undertaken.

In normal circumstances the council will make enquiries for a period of up to 14 days and if close relatives are found then apply 1.7.2. If no

close relatives are found within 14 days of enquiries then a Public Health Funeral will be arranged.

1.7.4. Storage facilities:

The council will provide appropriate initial storage facilities for the body consisting of refrigeration or freezer (no other facilities or storage options will be available) whilst enquiries are being made i.e. for up to 23 days.

After 23 days a funeral should be arranged and the body collected within 7 days. Storage of the body beyond 30 days is not available and will need to be arranged by the family in conjunction with their funeral provider.

Funeral providers must collect the body within seven calendar days of being instructed. The Council reserves the right to charge funeral providers for the costs of continued storage beyond seven days.

The location of facilities will be determined by the Council to meet operational requirements and provided in accordance with prevailing regulations from the Human Tissues Authority.

1.7.5. Emergency situations:

In the event that sufficient storage capacity is not available then the Council will seek additional storage facilities using mutual aid principles. If mutual aid is not available then the council may need to vary timescales identified above in keeping with the requirements of the local or national emergency situations. This may include temporarily bringing forward or delaying the date of public health funerals until such a time as sufficient storage is available for immediate use and normal arrangements can resume.

Any such response to an emergency situation will be communicated in advance on the Council's website detailing what temporary changes will be implemented to this policy and for what period. Such arrangements will be temporary and the Council will always seek to revert back to the published policy as detailed above when the emergency situation has ended. Any such arrangements will be reviewed at least every seven calendars and any amendment or extension will be agreed as part of the response to an emergency incident.