



# NEWCASTLE·UNDER·LYME

## BOROUGH COUNCIL

### **Welfare Funerals Policy**

When someone dies it can be a very distressing time for those arranging a funeral, especially if there are concerns about how the funeral is to be paid for. There is help available to assist with paying for a funeral and it is important that this is discussed with the Funeral Director during the arrangements, for once a contract with a Funeral Director has been entered the Applicant will be responsible for paying their costs.

If someone is receiving certain benefits; such as Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Pension Credit, Housing Benefit, Council Tax Benefit, Working Tax Credit or Child Tax Credit, they 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 Direct Gov website at: [http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Beaved/DG\\_10018660](http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Beaved/DG_10018660)

### **Welfare Funerals**

Newcastle-under-Lyme Borough Council is responsible for making funeral arrangements for anybody who dies within their boundary where no other arrangements are being, or are likely to be made, e.g. when the deceased has no family and they haven't left a will. This responsibility is placed on the Council by S46 of the Public Health (Control of Disease) Act 1984. S46 of the Act also states that the Council may recover all their costs incurred in making the funeral arrangements from the estate of the deceased (i.e. their property and possessions).

If the deceased died outside of the Newcastle-under-Lyme Borough Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived within the borough of Newcastle-under-Lyme.

Newcastle-under-Lyme Borough Council will not be involved if funeral arrangements have already been made or if the funeral has already taken place. The Council cannot provide any funding for funeral arrangements to families, whether the funeral has taken place or not. It is normally a partner, executor or other family member who would be responsible for making funeral arrangements for a deceased person, and they would also be responsible for the costs.

If there is no known next of kin or nobody willing or able to make the funeral arrangements the death will be referred to Newcastle-under-Lyme Borough Council, who will then be responsible for making the arrangements under S46 of the Public Health (Control of Disease) Act 1984.

If the deceased had known next of kin, the nearest surviving relative will be required to sign a non-involvement form stating that they are willing for the Council to make the funeral arrangements and understand that costs will be recovered from the deceased's estate if possible. If the family have already removed any possessions from where the deceased lived then these may need to be returned to the Council to help offset the funeral costs.

Once the Council has accepted a case, the Bereavement Services team will deal with all aspects of the organisation of a funeral; including registering the death, dealing with the Funeral Directors to make the arrangements and paying for the funeral.

A cremation service will normally be held at Newcastle Crematorium, unless it is established that the deceased would have chosen burial for religious, cultural or personal reasons, or if a check of the Council's burial records reveals that the deceased owned a grave in one of the borough cemeteries and there is room for them to be buried in it. If a burial is required and the deceased did not own a grave, burial will take place in an unmarked public grave within one of the borough cemeteries.

The Council's contracted Funeral Director 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/grave. The funeral director will also arrange for an officiant to lead the service and the funeral will be no different to a simple ceremony not arranged by the Council. Family and friends may attend the funeral service but they will have no choice as to where and when it is held.

Following the cremation the cremated remains will be interred in one of the monthly Gardens of Remembrance at Newcastle Crematorium; the month that corresponds to the month of death, and the burial will be recorded against the cremation record. If there is next of kin the cremated remains may be given into the care of a close family member or friend for disposal.

### Property Search

Prior to making the funeral arrangements, Bereavement Services Officers will search the last known address of the deceased. The search will focus on finding a will, evidence of family or friends and any money or items that may be used to offset the funeral costs. This will entail removing personal possessions from the property, including address books, correspondence, legal documents, financial paperwork and personal possessions.

Any items removed from the property will be retained under secure conditions at the Crematorium or Cemetery Office for a minimum of 12 months following the funeral.

Bereavement Services Officers are not responsible for clearing or cleaning the property.

Following the completion of the search the property will be secured and the keys returned to the landlord. If the property was owned by the deceased, the case will be referred to the Treasury Solicitor and their instructions regarding the property will be followed.

### Executors of a Will

The Council will not be able to make funeral arrangements in cases where the deceased left a will and the executor is traced; in these circumstances the executor would be expected to organise the funeral. If the executor wishes to revoke their duties, they must make a formal renunciation of the will and declare that they wish to have no further involvement in the funeral arrangements by signing a non-involvement form.

### Estate Administration

Newcastle-under-Lyme Borough Council is entitled to recover its costs when making funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. The Council is not, however, empowered to administer the estate. Where there is a surplus of over £500.00 once all costs incurred in making the funeral arrangements have been reimbursed, the Council will refer the case to the Treasury Solicitor under Bona Vacantia.

Where there are known family, however, the case cannot be referred to the Treasury Solicitor. Under such circumstances, the Council will hold all monies until a legally entitled person demonstrates their suitability to administer the estate through the holding of letters of administration from the courts.

Under no circumstances will money or property from the estate be given to any family member without proper lawful authority.

#### Death in a Hospital

If the deceased died as an in-patient in a hospital managed by an NHS Trust and there are no relatives, the NHS Trust will assume responsibility for the funeral arrangements and recover their expenses from the deceased's estate.