



Adults and Public Health Policy and Scrutiny Committee

Date:	27 September 2021
Classification:	General Release
Title:	Public Health Funerals
Report of:	Calvin McLean – Director, Public Protection and Licensing
Cabinet Member Portfolio	Communities and Regeneration
Wards Involved:	All
Policy Context:	N/A
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1. Executive Summary

This report is provided in response to a recent publication by Quaker Social Action '*An abdication of duty. Local authorities and access to public health funerals*' which was reported in the media in general and in detail in The Guardian newspaper on 6th July 2021.

This report outlines the legal and historic background to the public health funerals service in Westminster.

This report also reflects on the impact of Covid-19 on the service and addresses the issues raised in the Quaker Social Action report. It asks the committee if it approves the current approach taken to public health funerals in Westminster.

This report has been shared with Cllr Heather Acton, as the portfolio holder for Communities and Regeneration as the Public Health Funeral provision falls under Public Protection and Licensing (PPL).

2. Key Matters for the Committee's Consideration

- Does the committee support the current approach to public health funerals in Westminster?
- Does the committee consider that members should be notified of residents in their wards who have died and later been referred for a public health funeral?
- Does the committee support the appointment of a genealogist to expedite locating relatives should the PHF officer be unsuccessful in identifying next of kin?

3. Background

3.1 Legislation

The Public Health (Control of Disease) Act 1984, places a duty on the local authority to make necessary arrangements for public health funerals where a resident passes away, and there is no one else willing to pay. This situation often occurs when the deceased is very elderly and has no known near relatives, or the deceased was a homeless person and had no contact with relatives for many years. This will also apply when the deceased is a foreign national who has no family in this country.

Approximately 75 to 80% of referrals come from the Coroner's Officer Service, with 20 to 25% of referrals from hospices. Occasionally, referrals are received from families of bereaved persons who are unable to arrange the funeral. Although hospitals are not legally obliged to arrange the funerals of patients who die in similar circumstances, their Patient Affairs departments carry out this function. Occasionally public health funerals assist patient affairs regarding checks on property and background of the patient.

Costs involved in arranging a funeral can be reclaimed by the Council against the deceased's estate, if funds are available. However, in some cases, these funds are not available and costs have to be borne by the Council.

Section (9) of the Cremation Act, 1902, outlines that expenses properly incurred in, or in connection with, the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased.

Under **section 46 (5) of the Public Health (control of Disease) Act 1984** it is provided that where a funeral is arranged by an authority defined under the provision of the 1984 Act it is possible for such authority to recover from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before his death expenses incurred in arranging the burial or cremation.

The Act also provides in **section 46 (6)** without prejudice to any other method of recovery, a sum due to an authority under subsection (5) is recoverable summarily as a civil debt by proceedings brought within three years after the sum becomes due.

Section 34 (3) of the Administration of Estates Act, 1925

Where the estate of a deceased person is solvent, it shall be *inter alia* be applicable towards the discharge of the funeral, testamentary and administration expenses.

3.2 Previous/Current Process

The Public Health Funerals (PHF) service is provided by Public Protection and Licensing and has been provided by the directorate for over 5 years.

The contracted funeral director is Sherry's, who were most recently re-awarded the contract for Public Health Funerals in 2018, with the next relet due in November 2022. Sherry's were the only funeral directors to tender for the PHF contract in 2018.

Until 2018 the PHF provision was treated as an administrative function and managed by support staff (though historically it had been a dedicated role). This process lacked the necessary oversight and caused delay. There was a case in 2016 where the funeral directors were accused of falsifying a document to expedite a funeral. This was investigated and identified as a genuine error; however, it did highlight the need for a dedicated process and resource to manage the PHF work.

In 2018 PPL introduced a dedicated resource to provide a more effective and efficient end-to-end service, which included work on the new contract. This approach also allowed the dedicated resource to carry out more thorough investigations than was permitted previously.

The work carried out by the PHF officer includes: referral administration; contacting family, friends, neighbours and agencies involved; collection of property and search; visits to police stations to collect property; search of the deceased's home; search for relatives and funds to pay for funeral; registration of death; arranging appropriate funeral; funeral order administration; informing mourners, attending funeral; purchase administration; claiming costs from estates; and referral to Government Legal Department.

In addition, the PHF officer works closely with other partners and stakeholders as required, such as Westminster Housing in order to minimise void times on properties of deceased tenants by liaising with Coroner's Officers who are searching for information about the deceased.

PHF Provision

In addition to recovering the cost of the funeral as charged by Westminster's contracted funeral director, a flat administration fee of £514.00 per funeral is also recovered from the estate, if funds are available and we have done so since October 2010. The additional cost of a property search is also made if such a search is carried out.

The funeral director, under the provisions of the contract charges only £199 for professional services for a person with no known estate. Additional costs include Minister's fees of £100 and crematorium costs which vary depending on the crematorium and time of service. Typical costs for a contract funeral can be as low as £629. Where there is an estate from which costs can be recovered, then the funeral director is permitted under the contract to charge a higher amount for professional services. Non-contract funerals vary in cost from £1,000 to over £3,000 depending on the funeral service provided.

Where the deceased was known to have wanted to be buried rather than cremated, then this is provided. Also, where the deceased was known to be of Muslim or Jewish faith, then a burial is always provided rather than cremation. An Imam or Rabi, as appropriate, presides over burials in these circumstances.

Public health funerals will also assist a relative who is unable to come to the UK, to repatriate the deceased relative to their home country. A recent example of this was with a person who came to the UK from Ethiopia some 30 years previously, whose daughter was refused a visa to come to the UK to arrange the funeral. The deceased had sufficient estate to enable repatriation to Ethiopia to be arranged.

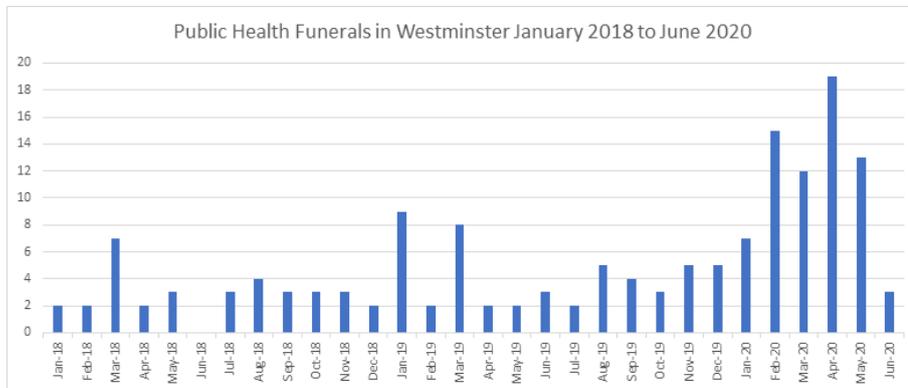
3.3 Demands on service – pre and post Covid

The table below shows the number of referrals in each of the last five financial years:

2016/17	46
2017/18	36
2018/19	52
2019/20	72
2020/21	68
2021/22	26

There was an increase in the number of referrals from March 2020 and the start of the pandemic. During previous years, the average number of referrals was between 3 or 4 per month, and since the pandemic has been approximately 5 per month. There was a very significant increase in the number of referrals in February and March 2020 when 29 referrals were received, primarily from the Coroner's Officer service. This was not due to Covid-19 but rather the urgent need to free up mortuary space ahead of an expected increase in demand for space in the mortuary.

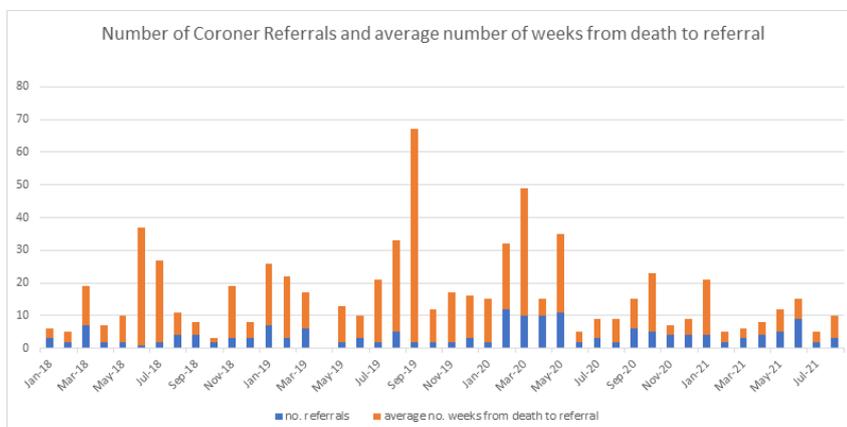
This chart gives the number of public health funerals carried out each month from January 2018 to August 2021, and the number of referrals have reduced to almost pre-covid levels. In addition to referrals which will all conclude with a funeral we also respond to general enquiries around funerals where we provide advice but that do not necessarily result in a referral.



Since July 2020 the most funerals we have undertaken in one month is 9 (May 2021) and the fewest 1 (Apr 221) with numbers more akin to those seen prior to the pandemic.

3.4 Time taken from referral to funeral

It usually takes between two to four weeks from receipt of a referral to the funeral taking place. Lack of dedicated assistance from the Metropolitan Police Service can cause delays to the funeral taking place because the public health funerals officer is prevented from checking for relatives, wills and other personal and financial information. We are looking for a more consistent response from the MPS as generally responsibilities lie with a single officer in charge of the case which can cause delays. In addition, it can take anything from two weeks to six months for the Coroner's Officer to refer persons from the mortuary to the public health funerals service, and very occasionally two or three years. This can depend on case complications and ongoing investigations.



3.5 Recovery of costs

The Public Health Funeral service is provided by one officer within PPL. It is a dedicated role which provides consistency and ensures effective contract management. Costs incurred are recovered from the estate of the deceased when possible. The table below shows expenditure of public health funerals for the last three financial years, not including the costs recovered nor cost of the PPL resource (which is approximately £50k per annum).

	PHF Cost
2018	£26825
2019	£57836
2020	£92619
2021	£32159

3.6 Implications of the Quaker Social Action report for this council

The Quaker Social Action report entitled 'An Abdication of Duty?' identified that a number of councils fail to carry out their legal duty or follow government guidance for Public Health Funerals (Westminster is not one of those councils). In addition, a number of councils failed to provide any information online.

The research was carried out online and via a mystery shopper exercise where councils had provided no contact information online.

Westminster was not subjected to a 'mystery shopper' telephone enquiry which led to several councils being severely criticised for failing to provide a service meeting legal requirements or any service at all.

Westminster was compared with other councils regarding provision of information online and was ranked mid-table. Information about Public Health Funerals in Westminster is provided on the People First website that provides guidance and advice to support independent living, there is no specific reference to Public Health Funerals on the WCC website itself. It was considered that the council's information could be improved and noted that *'Kensington & Chelsea and Westminster both lost two points for their information being very difficult to find. We acknowledge however that we do not know if the People First website is well-known to residents and if they would automatically look there for help.'*

[Local authorities and access to public health funerals 2021.pdf](#)
(quakersocialaction.org.uk)

3.7 Possible changes to current approach

Use of a 'genealogist' company?

The investigation of a deceased's estate can be a lengthy and extremely detailed activity, currently undertaken by the PHF officer. Some local authorities (not Westminster) work with genealogist companies to expedite the finding of relatives. The PHF officer can investigate the financial and property situation rather than the complex process of finding relatives as this can be complex work and the genealogists have access to far greater resources (databases etc).

Westminster refers deceased persons with estates greater than £500 (the minimum estate) to the Government Legal Department. This department in turn publishes the details of the person on their website, which can lead to relatives being located. It is recommended that public health funerals selects/contracts a genealogist company ('heir hunter'), that will look for relatives of all deceased persons, not just those with an estate of £500 or more. This will hopefully lead to relatives being located more quickly. However such companies do make a charge to the relative as a proportion of the estate, so one possible downside of a quick referral is that relatives don't have a chance of finding out that their relative has died and the ability to avoid incurring the charge of the genealogist company.

Notifying Ward members of the death of a resident in their ward?

Although GDPR does not apply to deceased persons, this council generally is very cautious in regard to publicising the referrals to public health funerals and as such there is no specific provision for this. Following suggestion by some Councillors, we could provide a facility whereby Councillors are notified when a resident in their Ward is taken into the care of Westminster's Public Mortuary. Views of the Committee would be welcome in this regard. Some councils also publish some information on their websites on deceased persons referred to their service and this could also be considered as part of a refreshed webpage/s.

Improve website provision of information on public health funerals

The provision of Westminster's online information needs to be reviewed, as currently there is no obvious information provided around public health funerals on the WCC website and information and contact details are provided on the separate People First website. Steps are already being taken to review and update guidance on our website.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Dennis Speight
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APPENDICES:

[Local authorities and access to public health funerals 2021.pdf](#)
quakersocialaction.org.uk

BACKGROUND PAPERS

N/A