

WEST DUNBARTONSHIRE COUNCIL
Report by Executive Director of Corporate Services
Corporate & Efficient Governance Committee: 20 April 2011

Subject: National Assistance Act 1948 - Policy on Indigent Funerals

1.0 Purpose

- 1.1 To seek Committee approval of a policy to ensure a consistent approach is taken for the arrangement of indigent funerals.

2.0 Background

- 2.1 In terms of Section 50 of the National Assistance Act 1948 where no suitable arrangements are being, or have been, made for the disposal of a dead body, the local authority must make the necessary arrangements. The local authority for this purpose being the council in whose area the body is found. This provision places a duty on the local authority which has to be carried out and which, if no suitable arrangements for disposal of a body are being made, gives no choice to the local authority as to whether or not to make the necessary arrangements.
- 2.2 The Environmental Health and Legal Sections work together to ensure the requirements of the legislation are fulfilled where appropriate.
- 2.3 There is a three year contract in place with the Clydebank Co-operative Society who provides a basic funeral service.
- 2.4 The Crown Office National Ultimus Haeres Unit also has a role in arranging funerals for individuals who die without any next of kin but who have a solvent estate.

3.0 Main Issues

- 3.1 In general the Environmental Health Section arrange funerals for persons who die in the area without any next of kin and who are destitute however there have been a number of recent cases where family members of deceased persons are either unwilling or not in a financial position to make suitable funeral arrangements. The Act was not designed to relieve private individuals or their next of kin of their responsibility to make appropriate financial provision for their funerals or to transfer that burden of responsibility to local authorities however no-one can be legally forced to arrange a funeral.

- 3.2 Officers always advise any next of kin who are in receipt of benefits to contact the Benefits Agency to access grant funding for funerals of relatives thereby reducing any unnecessary financial burden on the Council.
- 3.3 In a number of cases where officers have to arrange funerals on behalf of unwilling or unable next of kin they are often faced with demands to provide additional funeral services at the expense of the Council. Examples of additional items include flowers, headstone, refreshment, attendance of clergy etc. Given the emotive circumstances involved and the lack of any clear policy on the issue it can sometimes be difficult to reject such demands.
- 3.4 To ensure that officers act consistently with all indigent funerals that they arrange and to reduce any additional costs to the Council a suggested policy is attached at Appendix 1.
- 3.5 The provision of flowers, headstones, refreshments, funeral cars, attendance by a minister etc, varies considerably between authorities.

4.0 People Implications

- 4.1 There are no people implications.

5.0 Financial Implications

- 5.1 There is a small revenue budget of £7,000 for indigent funerals. The Council may receive monies from the estate of some deceased which offsets initial expenditure.

6.0 Risk Analysis

- 6.1 The requirements of Section 50 of the National Assistance Act 1948 are mandatory therefore the Council must fulfil its duties accordingly.

7.0 Equalities, Health & Human Rights Impact Assessment (EIA)

- 7.1 In circumstances where the council has good reason to believe that cremation would be contrary to the wishes of the deceased, every effort will be made to accommodate these wishes at minimum expense to the council.

8.0 Conclusions and Recommendations

- 8.1 The increasing number of requests for arranging indigent funerals is placing additional financial demands on the Council. To ensure consistent application and minimise financial demands the committee is invited to approve the policy contained within Appendix 1

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Date: 15 March 2011

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Appendix: National Assistance Act 1948 - Policy on Indigent Funerals

Background Papers:

Wards Affected: All

Appendix 1.

National Assistance Act 1948 – West Dunbartonshire Council Indigent Funeral Policy

1. All funerals shall take place within the West Dunbartonshire locality Monday to Friday between 9am and 4pm.

2. Cremation shall be considered the normal method of disposal of the deceased.

Exceptions to this will include;

- i. Where a family lair is available locally
 - ii. Where the Council has reason to believe that cremation would be contrary to the wishes of the deceased
 - iii. Where otherwise directed by the Police/Crown Office.
 - iv non resident deceased persons where this would incur additional cremation charges.
3. Where burial is used for disposal of the deceased no headstone shall be permitted as each lair provided by the Council shall be able to accommodate a maximum of three bodies.
4. No flowers, ecumenical funeral service or reception shall be provided by the Council.
5. The Council shall tender for the provision of Funeral Director Services every three years for the most basic funeral service provision.