

# Indigent Burial Policy

October 2018



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# 1 Introduction

## 1.1 Background

Section 50 of the National Assistance Act 1948 places a statutory duty on local authorities to inter or; where there is a religious requirement, it was known to be the deceased's wish or it is more financially prudent cremate any person who dies within its' boundaries and, at the time of death, has insufficient funds to cover the interment cost.

## 1.2 Provision of Simple Dignified Funeral

In order to meet the legal requirement and maintain standards of dignity by providing a simple dignified funeral an undertaker was selected, from an Invitation to Quote posted on Public Contracts Scotland, to provide:

- All necessary works relating to collection and storage of the deceased within the rest rooms until time of interment;
- Provision of a basic coffin;
- Provision of a hearse to transport the deceased from the rest rooms to the appropriate Aberdeenshire cemetery or nominated crematorium;
- Sufficient means and staff to enable the deceased to be conveyed, where necessary, from the hearse to the graveside or into the crematorium;
- Provision of sufficient staff to assist with the committal of the coffin into the lair.
- Provision of appropriate religious or non religious commemoration within your premises prior to removal of the deceased to the cemetery or crematorium

## 1.3 Reclamation of Costs

Obtaining information about the deceased's next of kin, relatives, spouse or civil partner can sometimes be extremely challenging, The National Ultimus Haeres Unit (NUHU) can assist by:

- Carrying out a search, where there are no known next of kin or relatives;
  - Carrying out a search for known next of kin or relatives whose whereabouts are unknown;
  - Carrying out a search for a will;
  - Carrying out a search of the deceased's home for relevant papers; evidence of bank and building society accounts, rent and pension books, insurance documents, driving and TV licences, passport, personal address book;
  - Forwarding the completed Statement of Particulars to the Queen's and Lord Treasurer's Remembrances (QLTR) who will administer the estate and recompense NUHU for the funeral arrangements which are then passed to Aberdeenshire Council.
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Cases can be reported to NUHU by a friend or neighbour of the deceased, a solicitor, insurance company or bank or, depending on where the death occurred, by a reporting body:

- **Care Home**

The person in charge of the facility, or their representative, is responsible for referring the matter to NUHU where there are no known next of kin or relatives or there are known next of kin or relatives however their location is unknown. Where it is known that the deceased had a prepaid funeral bond, the person in charge of the facility can organise the funeral in line with the deceased's instructions within the funeral bond.

- **National Health Service**

As with residential care, the hospital is responsible for referring the matter to NUHU where there are no known next of kin or relatives or there are known next of kin or relatives however their location is unknown.

- **Police Scotland**

If a body is found, the police will carry out the necessary enquiries. If it becomes apparent that the deceased had no known relatives, spouse or civil partner they will report the death to the Procurator Fiscal and, once they have established there is no next of kin, are responsible for referring the case to NUHU.

- **Social Work Service**

As well as involvement with Nursing Home placements, the Social Work service is directly involved with any death which occurs in Local Authority provided hostel type accommodation or where someone who is under a Supervision Order or similar regulated by court procedure. The Social Work service can also request an interment where, immediately before death, the deceased was in the care of or receiving assistance from the Authority.

- **Housing and Roads and Landscape Services**

The Team Leader Housing for the area in which the property is located will be contacted with a view to establishing if there is any known next of kin, if there are any personal effects of value or if there is a will. The Team Leader Housing or the Principal Landscape Officer will report the matter to NUHU.

- **Prison Service**

Where a death occurs in prison and the deceased had no known next of kin or relative, the prison will report the matter to NUHU.

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Where next of kin or relatives are known but are unable to fund the funeral, advice can be provided by the Aberdeenshire Support and Advice Team within Finance as they administer a range of means tested benefits schemes and could provide assistance in terms of accessing Funeral Payments.

Funeral Payment may be available to eligible applicants from the Department of Work and Pensions. The Funeral Payment provides a contribution towards funeral costs and is available to relatives or friends of the person who has died who are on certain benefits and have responsibility for organising the funeral.

The executors of the deceased's estate are under a duty to settle the deceased's debts and funeral expenses before division of the estate. Any known bank account cannot be frozen by Aberdeenshire Council however bank procedures should restrict any access until an executor has been appointed and due process has been completed.

Where family refuse to have any involvement in the interment Aberdeenshire Council will bear the cost as we have no authority to insist the family contribute towards the cost however where officers become aware of an estate at a future date steps will be taken to reclaim the costs.

#### **1.4 Registration of Death**

The person responsible for referring the death to the National Ultimus Haeres Unit in section 1.3 will also be responsible for registering the death.

## **2 Policy Statement**

Aberdeenshire Council will provide a simple dignified funeral for all persons dying within Aberdeenshire's boundaries where no relatives are known or traceable or where relatives are unable or unwilling to fund the interment or cremation. All reasonable steps will be taken to reclaim the cost of providing this service.

## **3 Scope**

This policy shall apply to:

- All indigent interments required across all 6 geographical areas.

## **4 Implementation**

This policy will endorse the Indigent Burial Procedure.

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