

ADULT SOCIAL CARE

FUNERALS AND PROTECTION OF PROPERTY

POLICY

Record item	Name or date
Issue Date	January 2021
Review Date	December 2021
Next Review Date	tbc
Version Number	V.03.20211
Record Location	



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Part One

Introduction

1.1 Policy Statement

The Funerals and Protection of Property service aims to meet the Council's statutory duty regarding arranging funerals or safeguarding property, in situations where there is no one willing or able to do so.

The Council is legally entitled to recover reasonable costs for the service from the recipients, therefore, appropriate charges are levied for services rendered. Birmingham City Council also provides direct funeral services to all major Birmingham Hospitals and Hospices. The service has also contracted the services of a Probate Research company who add value to the service by providing a family tracing service to enable officers to quickly locate next of kin, if unknown, so that they are afforded the opportunity to take on the responsibility for the funeral. In-line with the 'Fees and Charges for the Service - The Council Plan 2018-22', objectives, where possible the cost of the Funerals and protection of Property services will be charged to the estate of a deceased person or to a property owner or occupier.

Fees and Charges for the Service - The Council Plan 2018-22 set out the Council's priorities to support residents and businesses of Birmingham to 2022. The Medium-Term Financial Plan (MTFP) sets out the resource requirements to deliver these priorities and increasing income is a key part of the MTFP.

Council has embarked on a Commercialisation approach, which has identified opportunities to increase income and generate efficiencies across all services, to improve the Council's net bottom line position. This has led to a review of the way in which many services view income and expenditure, leading to increased income in some services and withdrawing from other services that do not deliver value for money.

The Council's Corporate Charging Policy within the Policies Standards and Procedures Guidance states that "net income maximisation should be the ultimate aim of charged for services" but recognises that price setting should seek to optimise both financial and policy objectives, the policy also states that (unless there is an explicit policy objective to subsidise delivery of a specific service) fees and charges should achieve a minimum of full cost recovery in the delivery of discretionary services. Where full cost recovery is not achievable consideration will be given to withdrawing from or reducing the delivery of discretionary services.

(Ref: Financial Plan 2019 – 2023, Appendix X: Fees and Charges, page 244. Note: This document contains the fees Appendices charged for funerals and protection of property work and is updated annually.)

2.1 When Birmingham City Council arranges Funerals and the Protection of Property

The Funerals and Protection of Property Team has a statutory duty to arrange the burial or cremation of bodies where there is no one willing or able to arrange a funeral.

The team also has a statutory duty to protect property under certain circumstances.

2.2 The type of Funeral provided

When there is no one else willing or able, to arrange funerals, Birmingham City Council, Adult Social Care can arrange a sensitive funeral for those people who die within the city boundaries.

Where the deceased has no estate, a simple funeral is provided by the Council within the city boundary. Friends, family and carers will be advised of the date, time and place so that they can attend. Where the deceased person has left sufficient funds, a private funeral will be arranged, following the deceased's wishes or those of family, carers or friends.

2.3 Completion of Funeral arrangements

All funeral arrangements will be conducted in accordance with the known wishes of the deceased and we will respect their religious and cultural background. Support and advice are also available for people who have not experienced bereavement before or feel that they may need help with arranging a funeral.

As the services we offer are wide ranging, anyone seeking help or advice can approach the section and receive the benefit of our experience in this sensitive area of work.

2.4 Funeral Costs

Under Section 46, the funeral expenses, after tax owed to the government, are the first call on any estate (money or property held after death). The Council is empowered under the Act to collect all sums of money due or belonging to the deceased and sell any belongings of the deceased in order to help offset the costs. Any shortfall will be borne by the Council or the Health Authority/Trust.

2.5 Administrative charge for funeral arrangements and dealing with surplus funds?

Where there is an estate an administrative charge will be made for work carried out and for the cost of the funeral.

Generally, after the funeral and administrative charges have been deducted, any money left will go to the Treasury Solicitor in accordance with their guidelines for 'Referring cases to the Treasury Solicitor (Bona Vacantia)'.

See: *Financial Plan 2019 – 2023, Appendix X: Fees and Charges, page 244. For further information on charges.*

2.6 Contacting the funeral service

Contact:

Birmingham City Council Funerals and Protection of Property

Phone: 0121 675 7129

Fax: 0121 303 8456

Email: funerals.and.protection.of.property@birmingham.gov.uk

Part Three

3.1 The Protection of Property service

When there is no one else willing or able, to arrange temporary protection of property, Adult Social Care can arrange for property to be protected.

Where property appears to be in danger of damage or loss for persons admitted to hospitals or of persons unable to devote to themselves proper care and attention, and who are moved to another suitable place by Order of the Court (Mental Health Act 1983); <http://www.legislation.gov.uk/ukpga/1983/20/contents> or assessed by the Local Authority as in need of care and placed in a Local Authority Home or the Probate Section, the Council can act to safeguard property.

3.2 Property searches (funerals and protection of property)

Property visits and searches will take place to take possession of any valuables, bank books, insurance policies, jewellery and any other items which are deemed to require safeguarding.

The Council will ensure that the building is secure, i.e. doors, windows are closed and locked. Water tanks drained down (Private property only). An inventory will also be completed, and photographs taken of furniture and goods within property as well as the external appearance of dwelling and kept on case file.

Any items removed for or by the user and taken to their temporary address will be recorded and witnessed.

3.3 Frequency of property visits

The service will schedule visits to any dwelling under the Council's protection on a monthly basis to a maximum interval between visits of 2 months.

3.4 Protection of Property charges

The person must be in hospital, a care home/care home with nursing, or on a Place of Safety in order to qualify for the service.

There is no initial charge for the service, except where repairs or locks must be fitted, or repairs are needed to keep the property safe and secure. Gardening maintenance work to front gardens may also be done at the Council's discretion. In such circumstances the owner will be assessed to determine whether they pay for any work carried out. An administration charge can be made.

Protection of property charges are levied after the first 3 months of protection have elapsed after which there is a monthly charge for the service or part thereof.

See: *Financial Plan 2019 – 2023, Appendix X: Fees and Charges, page 244. For more information on charges.*

Part Four

4.1 Contacting the Funerals and Protection of Property service?

Anyone seeking help or advice can approach the section and receive the benefit of our experience in this sensitive area of work.

Contact: Birmingham City Council Funerals and Protection of Property

Phone: 0121 675 7129

Fax: 0121 303 8456

Email: funerals.and.protection.of.property@birmingham.gov.uk

Part Five Legislation

5.1 Funerals - the statutory duty of the Council

Local Authorities have a statutory duty under Section 46 of the Public Health (Control of Disease) Act 1984 <https://www.legislation.gov.uk/ukpga/1984/22> to arrange the burial or cremation of bodies where there is no one willing or able to arrange a funeral.

Birmingham City Council can arrange a sensitive funeral for those people who die within the city boundaries. Where someone dies in a hospital or a hospice, the Health Authority/Trust or hospice manager should be contacted to see if they have an agreement with Birmingham City Council to arrange the funeral

5.2 Protection of Property - the statutory duty of the Council

When there is no one else willing or able, the team will protect client's property under Section 48 of the National Assistance Act 1948; <http://www.legislation.gov.uk/ukpga/Geo6/11-12/29/contents>

Birmingham City Council has a statutory duty to protect property under certain circumstances. Protection can be provided for moveable property when the owner must go into hospital or a care home/care home with nursing or is made the subject of a Place of Safety order. The Local Authority must be clear that the property is at risk or in danger, and that no other person is able to act.

Buildings can be secured, which means taking reasonable steps such as locking doors and shutting windows. If valuables such as cash, jewellery, or antiques have been left in a property, or pets have been left alone, then further action may be necessary. Permission from the owner must be sought to enter the property, except where the person is unable to give it due to reasons of ill-health.