

# Council funerals (Scotland) - website information guide

## Webpage findability

### Positioning

We recommend that the page be one or two clicks from the Deaths page, or similar. Even if the service is not positioned in Bereavement Services, but in another department like Environmental Health, it would be best if it is still linked to from the Deaths page, or similar, if one exists as members of the public are unlikely to be able to navigate to it elsewhere on the site.

It could also be fixed in the top three search results for 'funeral', but if this is the only option for finding it this is not considered as easy to find as the above.

### Title and sub-title

It is helpful to have a title or sub-title that makes clear what a council funeral is, such as:

- What happens if the council has to make the funeral arrangements.
- When we arrange a funeral.
- We have a duty to bury or cremate anyone who dies within our area where no one else is make arrangements for this.

## The webpage itself

### When will the Council arrange a funeral?

Explain the legal duty placed on your council regarding the provision of council funerals.<sup>1</sup>

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<sup>1</sup> **Burial and Cremation (Scotland) Act 2016:** S. 87 (1) 'This section applies where— (a) a person dies or is found dead within the area of a local authority, and (b) it appears to the authority that no arrangements have been or are being made under section 65(2) or 66(2) or otherwise for the remains to be buried or cremated'. [www.legislation.gov.uk/asp/2016/20/section/87](http://www.legislation.gov.uk/asp/2016/20/section/87)

**Suggested wording:** *[Council] is responsible for burying or cremating anybody who dies within its area if no other arrangements are being made, this can be because no relatives of the person who died can be found or because their relatives are unable or unwilling to arrange a funeral.*

*The responsibility is placed on the council by Section 87 of the Burial and Cremation (Scotland) Act 2016.*

*If the person died outside of the council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they lived within [Council].*

*We are unable to become involved if the funeral is already booked or has taken place. Anyone giving instruction to a firm of funeral directors, for example for collection of the body, is responsible for any costs incurred. [If someone dies out of hours and you anticipate that the Council will have to take responsibility, please call our contracted funeral directors on the number below to ensure that we are able to pay the collection charge if we accept responsibility].*

## Costs

Explain that the first call on the estate is the funeral and that the council has the right to reclaim money from the estate of the person who died. Give examples of what the estate can consist of as many people won't know and explain what the process will entail.

**Suggested wording:** *Any estate (usually money or property) left by the person who died must first be used to pay for the funeral, except when there are secured debts, such as mortgages or secured loans. It should not be used to pay off any other bills.*

*The Council has the right, where possible, to recover all the funeral costs from the estate of the person who died. This includes accessing bank accounts, savings, investments, selling belongings or placing a charge against property owned. To do this we may need to enter their property to identify any estate and retrieve associated paperwork or items of value. While we appreciate it is difficult, we ask that family and friends don't remove any items themselves.*

*Any shortfall in the costs will be paid by the Council and where there is no estate, no costs will be claimed back.*

## Referrals and arrangements

State if you prefer referrals to come through the procurator fiscal, hospital or care home, where one is involved, but it should be clear that family members, friends and other professionals can also contact you directly using the contact details you provide.

**Example:** *Burial and cremation act funeral referrals can come from various sources including a procurator fiscal, GP, care home, social worker or family members themselves.*

If you have an agreement with local hospitals for them to take responsibility in certain circumstances, explain what this is and when people should contact the hospital bereavement office instead. As there is no legal duty on hospitals to do this it should be clear this is a local arrangement.

Outline who registers the death and makes the arrangements.

## Cremation and Burial

State the authority's default funerary method – burial or cremation – and that the alternative will be accommodated if it is known the person who died wished that.<sup>2</sup>

Give details about the location of the cremation or burial, the grave/lair type and what will happen with any cremated remains.

**Suggested wording:** *A [burial / cremation] will be held unless there is reason to believe that the person who died would have chosen [cremation / burial] for religious, cultural, or personal reasons.*

*Cremations are held at [crematorium] and burials at [cemetery].*

*If a burial is required and they did not own a grave/lair, the burial will take place in a [grave/lair type] and whether it can be marked or not – if this is a public/shared grave/lair, explain what that is and how many other people may be buried in it if that is the practice].*

*In cases of cremation, the cremated remains will be stored safely for [time period] and made available for the family or friends to collect within this time if they wish to do so. If they are not collected they will be scattered in [location]. [No charge/A charge of £X] will be made for this [to cover the cost of the urn/box].*

## The Funeral

Give details of what will be provided for the funeral, including the approach to considerations related to religion or belief.<sup>3</sup>

<sup>2</sup> **Burial and Cremation (Scotland) Act 2016:** S. 87 (5) 'the local authority must, so far as known to the authority, have regard to— (a) any wishes that the person expressed as to means of disposal of the person's remains, and (b) whether the person was of a particular religion or belief'.

<sup>3</sup> **Burial and Cremation (Scotland) Act 2016:** S. 87 (5) 'the local authority must, so far as known to the authority, have regard to— (a) any wishes that the person expressed as to means of disposal of the person's remains, and (b) whether the person was of a particular religion or belief'.

**Example:** *We will provide everything necessary for a simple, yet dignified and respectful, service including a coffin, transport of the deceased person to the crematorium or cemetery, and sufficient bearers to transfer the coffin to the chapel. Any known religious beliefs, or none, will be respected.*

*To observers a council funeral will appear no different to a simple ceremony that has not been arranged by the council.*

Also include:

- Whether a faith leader or civil celebrant will be provided in line with any known wishes of the person who died
- Whether people will be able to attend<sup>4</sup>
- Any restrictions on days or times when the funeral will take place
- What kind of involvement family or friends can have in planning the service, if there is one, for example speaking to the faith leader or celebrant, or providing music or readings
- Any elements that are not included in a council funeral.

## Timescales

Give the timescales for each step of the process from notification of the possible need for a council funeral, to the committal and any post-funeral arrangements.

## Assistance with funeral costs

Signpost to sources of support that might be useful, depending on eligibility, for those wanting to take responsibility but in financial difficulty, such as Social Security Scotland and charitable grants.

**Suggested wording:** *If you would like to take responsibility for the funeral yourself but need help with the costs and are in receipt of certain benefits or tax credits, then you may be eligible for a [Funeral Support Payment](#) from Social Security Scotland. This can pay a contribution but is unlikely to cover the full amount.*

*Details on eligibility and how to apply can be found on the [mygov.scot](http://mygov.scot) website at the link above.*

*Depending on your circumstances you may also be eligible for the [Bereavement Support Payment](#).*

*Sources of charitable funding may be available too and you can identify ones that you may be eligible to apply to by using the grant search on the [Turn2Us website](#).*

<sup>4</sup> We appreciate that providing a service or allowing attendance is not required in legislation, but we consider it to be best practice.



## Contact Details

Please do not give a switchboard number unless the page also states the team/department or person people should ask for, and switchboard staff have been advised sufficiently so they can transfer people appropriately. With automatic switchboards please state the option callers should select.

Do include an email address for the relevant team/department if you have one, but not in place of a phone number so as not to exclude those who do not use email.

If you have a contracted funeral director give their contact details too so people who need to arrange collection out of hours can avoid incurring extra costs.

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## Feedback

We would really like to hear any comments or suggestions that you have on this guidance. Please do get in touch at [downtoearth@gsa.org.uk](mailto:downtoearth@gsa.org.uk) or call 020 8983 5055 (option 3).