

Funerals and Protection of Property



Under what circumstances does Birmingham City Council arrange funerals and/or protect 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.

When does the Funerals and Protection of Property Team arrange a funeral?

Local Authorities have a statutory duty under Section 46 of the Public Health (Control of Disease) Act 1984 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.

What type of funeral will be arranged?

All funeral arrangements will be conducted in accordance with the known wishes of the deceased person and we will respect their religious and cultural background wherever possible. The funeral will be by way of cremation unless the Authority believes that cremation would be against the wishes of the deceased.

The funeral director is contracted to provide a dignified funeral and the general manner of the funeral is such that an ordinary observer could not differentiate between this and any other funeral service.

Who is the contracted Funeral Director?

The contracted funeral director, C Bastock Limited, is available 24 hours for 365 days of the year and can be contacted on telephone number 0121 772 0343.

Who will pay for the funeral arrangements?

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 would be borne by the Council or the Health Authority/Trust.

Where the deceased has no estate, a simple funeral is provided. Friends, family and carers will be advised of the date, time and place so that they can attend.

Where the deceased has left sufficient funds, more flexibility is available to ensure a befitting funeral, one which follows the deceased's wishes or those of family, carers or friends.

After the funeral arrangements have been paid, what happens to any money left over?

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 would go to the Treasury Solicitor in accordance with their guidelines for 'Referring cases to the Treasury Solicitor (Bona Vacantia)'.

Who is the Treasury Solicitor (Bona Vacantia)?

The Treasury Solicitor (TSol) deals with the administration of an estate when someone has died without leaving a will, spouse, civil partner or entitled relatives. In these circumstances, their estate becomes bona vacantia (ownerless goods) and TSol (BV) will undertake the administration of the estate on behalf of the Crown.

Is help available where family or friends are arranging the funeral?

Support and advice is also available for people who have not experienced bereavement before or feel that they may need help in 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.

When does the Funerals and Protection of Property Team protect property?

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.

Birmingham City Council has a statutory duty to protect property under certain circumstances. Protection can be provided for moveable property when the owner has to 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.

The usual practice is for a member of the Protection of Property Team and a Social Worker to enter the premises and carry out any action necessary to protect the property, ensuring that the owner's best interests are met.

Who qualifies for this service and how much does it cost?

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 charge for the service, except where repairs or locks and so on, have to be fitted. In such circumstances the owner will be assessed to determine whether they pay for any work carried out. A small administration charge can be made.

**What if I do not agree with how the
Funerals and Protection of Property
team have acted?**

You can write to:

**Team Manager
Funerals and Protection of Property
First Floor, Tamebridge House
Aldridge Road
Perry Barr
Birmingham
B42 2TX**

More Information

Funerals and Protection of Property Team

Second Floor
Tamebridge House
Aldridge Road, Perry Barr
Birmingham B42 2TX

phone: **0121 464 0524**

email:

**funerals.and.protection.of.
@.uk**

You can also contact your local Adults and Communities office. You may also find additional information from the following organisations:

Age Concern

www.ageconcern.co.uk

phone: **0121 236 2197**

C Bastock Ltd Funeral Directors

www.cbastock.co.uk

phone: **0121 772 0343**

Citizens Advice Bureau

www.citizensadvice.org.uk

phone: **0121 643 3456**

Department for Work and Pensions

www.dwp.gov.uk

phone: **0800 882 200**

Help the Aged

www.helptheaged.org.uk

phone: **0800 800 6565**

The Pension Service

www.thepensionservice.gov.uk/pensioncredit

phone: **0800 991 234**

Treasury Solicitor (BV)

www.tsol.gov.uk

phone: **0207 210 3116 or 3117**

email: **@...uk**

Your right to be heard

If you have any comments, compliments or complaints, please contact:

Customer Relations Service

phone: **0121 464 0809**

fax: **0121 464 0819**

minicom: **0121 675 0809**

email: **[schcomplaintsteam
@birmingham.gov.uk](mailto:schcomplaintsteam@birmingham.gov.uk)**

For more copies of this leaflet, translations and other formats, please contact the Communications and Information Team on **0121 464 3123**

www.birmingham.gov.uk/adults