

# **SEDIBENG INDIGENT BURIAL POLICY**

## **1. GLOSARY**

### **1.1. Indigent**

Indigent is defined as those people, due to a number of factors, who are unable to make monetary contribution towards basic services, no matter how small the amounts seems to be.

- Refers to:

- I. Unemployed persons
- II. State pensioners
- III. Disabled persons who is unemployed and getting a state grant
- IV. Single parent in receipt of a child support grant, with no other form of income; and
- V. Persons with temporary, casual, contract and seasonal employment.
- VI. Persons who died being diagnosed HIV positive, being unemployed and leaving children uncared for.

### **1.2. Financial definition of indigent**

Indigents are defined as those people, due to a number of factors, who are unable to make monetary contribution towards basic services, no matter how small the amounts seem to be

Any household, earning less than the amount stated by the financial and fiscal commission from time to time qualify to be registered as an indigent.

That the combined gross income of a household for qualification as an indigent be determined as equal or less than R1 400 per month or In the case of consumers qualifying for social welfare pensions, the equivalent of two social welfare grants.

### **1.3. Indigent Data Base**

Refers to a database that the local Municipalities/Departments have established to register and monitor all households that are categorized as per financial definition of an indigent.

### **1.4. Lekoa Cemeteries**

Lekoa cemeteries are the recognized agent or organization that manages cemeteries for Sedibeng district council.

### **1.5. Pauper**

Pauper means a person who died as an unknown, or the body is not claimed, no family or friends could be traced for a period of six weeks to identify the body or bury the deceased person or pay for the burial or cremation of the deceased person.

## **2. LEGISLATION THAT GOVERNS BURIALS**

The Health Act No 63 Of 1977 article 48 states;

The removal and burial of dead a body within the jurisdiction of the municipality is the responsibility of the municipality, subject to the provisions of the inquest Act, 1959 and the said Births, marriages and deaths registration Act, 1963 and whether or not any direction under subsection (1) has been issued, Responsibility for the removal and burial of the dead body which is unclaimed or which no competent person undertakes to bury and does bury and for the payment of all costs entailed thereby, shall devolve upon the local authority of the district in which the dead body is at the time when necessity of removal thereof first arise, save in the case of a person who has died in hospital or other institution, in which case such responsibility shall devolve upon the responsible authority of such hospital or institution.

## **3. INTRODUCTION**

The constitution declares the founding values of our society to be human dignity, the achievement of equality and the advancement of human rights and freedoms. Therefore little doubts exists human dignity; freedom and equality are amongst the founding values of our society that are denied to those who do not have food and clothing shelter. It is in this spirit that the Sedibeng District, in collaboration with the local municipalities strives to develop a policy that will enshrine values of human worthiness.

Due to the fact that South Africa is beginning to feel the wrath and impact of the AIDS pandemic which inevitably culminates in high unemployment rate caused by early retrenchments, an indigent policy is highly a priority to ensure that all deserving indigents are assisted to bury their loved ones in dignity.

## **4. PROBLEM STATEMENT**

More and more people are dying as a result of the scourge of the TB, AIDS, often leaving behind child headed households, orphans and people who are often ill and unemployed. The high cost of living and funerals fuel and prevent the bereaved from burying their loved ones, which often leaves the bodies at the hands of the private undertakers, adding to the already high costs.

Sedibeng has a population of 900 000, which constitutes 9% of Gauteng Population. Forty three percent of the population is unemployed and the remaining 58 percent's income is spread almost evenly among the income brackets. Low-income levels are indicative of low affordability levels for basic services, housing and medical services.

A large segment of the households in the Sedibeng area have an income of less than R2 400 per month, this indicates that the population is severely affected by poverty, and this number (20 %) receive the state grant which does not exceed R740.00 per month.

It is important to note that the Indigent Burial Policy differs in many respects from a Pauper Burial Policy which is not dealt with in details in this policy.

## **5. SCOPE OF THE POLICY**

Currently the Councils are not in a position of providing financial assistance to bury indigents. The aim of the policy document is to recommend to municipalities that on annual basis a budget be put aside for burial of indigents. In the meantime funds will be provided from provincial AIDS grant

To facilitate those members of the community already in the indigent database and declared indigents as per definition would be considered for assistance if funds are available.

## **6. SSUMPTIONS**

The policy implementation will be based on the following assumptions:

- Political Commitment
- Availability Of Funds
- Active Participation Of Stakeholders
- The spirit of cooperative governance prevail between Municipalities
- Community participation is fully actualised
- Resources allocation is based on the need rather than equitable distribution.
- Budget is linked to activities
- There is regular progress Reviews
- All relevant policies and procedures are communicated and known to all the municipalities
- The District effectively coordinate and collaborate with other Municipalities and other stakeholders to ensure the effective implementation of the policy
- Referral networks are fully utilised

## **7. 5. GUIDING PRINCIPLES**

This policy will be guided by the following principles:

- Transparency
- Loyalty

- Confidentiality
- Ownership

In addition the following extrapolation also serves as the assumption

**According to the Health Act, Act No. 63 of 1977,**

The Local Authority takes:

- “ (2) responsibility for the removal and burial of the body of a destitute person or of any dead body which is unclaimed or which no competent person undertakes to bury and does bury, and for the payment of all costs entailed thereby, shall devolve upon the local authority of the district in which the dead body is at the time when the necessity for the removal thereof first arises, same in the case of a person who has died in a hospital or other institution, in which case such responsibility shall devolve upon the responsible authorities of such hospital or institution: Provided that –
- I) the local authority shall remain so responsible in the case of a person who has been admitted to or kept in such hospital or institution on the order or on behalf of the local authority, or in the case of a person who, not being a convicted person or a person under arrest, has died in any prison;
- II) The local authority or hospital or institution, as the case may be, recovers the said costs from any person who was legally liable for the maintenance of the deceased person during his lifetime.
- (3) Any person who obstructs the execution of any order or direction given under this section shall be guilty of an offence.”

**7. GUIDING PRINCIPLES**

This policy will be guided by the following principles:

- Transparency
- Loyalty
- Confidentiality
- Ownership

**8. OBJECTIVRES OF THE POLICY**

- To assist the indigent families in the burial of their deceased.
- To implement the strategy and procedure to bury the indigents in the District
- To ensure that resources are allocated for the carrying out of the policy

## **9. ROCEDURE TO ASSIST FAMILIES ON INDIGENT BURIALS**

### **9.1. Procedure if the request for an indigent burial is received from a relative, social worker or any other person or organization**

- Municipalities will bury persons when evidence provided proves that they are bonafide residents of any of the three local municipalities in Sedibeng.
- The council will consider the burial of any person or immediate family member of such person, if she /he is registered as indigents within one of the three local municipalities in Sedibeng
- The family can request an indigent burial by means of an affidavit, substantiated by an official letter from a social worker or a minister. The said documentation must indicate the reasons for this request.
- Proof from the family member/relative that they cannot bury the deceased.
- Confirmation is needed that no other person or organization other than the relatives, are not in a position or do not have resources to pay for the burial.
- If the body was found outside the area of jurisdiction of the three local municipalities, the request for an indigent burial must be referred to the relevant local authority where a person was a Bonafide resident
- The Ward Councillor writes a letter to Lekoa cemeteries and social services declaring the family of the deceased as an indigent and refers the family to social development for further assistance
- The family takes this letter to Lekoa cemetery.
- Sedibeng Social services and funding NGO's negotiate a price suitable for indigents burial with affordable undertakers
- All undertakers are to be advised that all indigent burial be conducted during the week as graves are cheaper in week days
- Indigent burials are conducted within 5 days of the date of death as storage increases costs.
- Social services or NGO assisting will not be liable for storage costs.

## **9.2. Indigent burials can be arranged for anybody in the community if all the requirements are met.**

All requests for indigent burials must be referred and considered by the appointed Municipality Officer at the Health, Community and Welfare Services Department of the Midvaal, Emfuleni and Lesedi Local Municipality.

The appointed municipal Officer must ensure that all the above mentioned procedures and requirements are met before an order could be placed at the funeral undertaker appointed by the three municipalities i.e. Emfuleni, Midvaal and Lesedi Local Municipalities to bury a deceased person as indigent.

## **9.3. Important notes regarding indigent burials**

- **CLOSE** family members can attend the burial.
- A funeral Service can be arranged with the undertaker but no ceremony shall be held. Should any ceremony be held the family shall be held liable for the cost incurred for the burial
- The local municipality pays the appointed funeral undertaker and the relatives and/or friends do not have any claim whatsoever.
- Only family members will receive the death certificate and grave number upon written request.
- As indigent status is fluid the family and/or relatives of the deceased buried as indigent will be allowed to erect a tombstone or any other structure on the grave at any time in the future. The family does have the right if they have resources (at their cost) to apply for exhumation of the deceased and rebury the deceased in the area of their choice.
- The funeral undertaker will bury the deceased in designated grave and cemetery indicated by the Lekoa cemeteries, the service provider of cemeteries for the Sedibeng district council or in area designed by department of engineering as per different municipality's burial management systems.
- The council official responsible for indigent burial will be the manager: health and welfare services and/ any other official delegated by the manager to perform the function.
- The Sedibeng district council and its three local municipalities are not responsible for any assistance of any kind from anybody if the conditions as set out above are not acceptable for any reason.

## **10. Monitoring and Accounting procedures**

The following shall be provided after burial for payments to be effected

1. Burial order
  2. Grave number
  3. Death certificate
  4. invoice from the undertaker
- The officer responsible shall open a file for each request for burial
  - The file shall bear the reference number of entry as per indigent register.
  - The file should contain the letter of request.

