

PROVISION OF A 7 DAY A WEEK BURIAL SERVICE

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Wards affected: All wards

PROPOSED RECOMMENDATION TO CABINET

That the Committee decides which, if any, option contained within this report it wishes to recommend to Cabinet.

Corporate Implications

1. **Legal Implications:** The Council, as a burial authority for the purposes of section 214 and Schedule 26 of the Local Government Act 1972, is authorised by the Local Authorities Cemeteries Order 1972 (as amended) to charge such fees as it thinks proper, and, in fixing fees, may take account of the fact that costs in connection with High Wycombe town cemetery are designated as Special Expenses. There is no statutory duty to provide a 7 day a week burial service; however, the legal considerations outlined below are relevant.
2. Section 149 of the Equality Act 2010 places a statutory obligation on the Council (the “public sector equality duty”) in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; to advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Of the 8 relevant protected characteristics, those most likely to be relevant to decisions on the provision of a burial service are race, and religion or belief. “Due regard” has been considered to be more than simply a general regard, and case law has established that whilst there is no prescriptive way to evidence due regard, a public authority in coming to a decision must be able to evidence that it had had regard to the impact of its proposed policy on equality, including an appreciation of the duty (which is continuing and cannot be delegated), a proper analysis of all relevant material, with rigour and an open mind, reconsideration of the duty if new information comes to light, and adequate records kept of the consideration and decision-making processes. Whichever recommendation is put forward, and whichever decision is made, this requirement must be borne in mind and adequate evidence examined and recorded. An Equality Impact Assessment is not an obligatory requirement of the duty to have due regard, but in practice it can be useful to prepare one in order to evidence appropriate analysis of the equality implications of a particular decision. Steps taken so far to comply with this duty are set out in the report.
3. **Financial Implications:** Implementation of changes to the levels of service, resulting in increased costs would require an amendment to the current charges to recover these additional costs as set out in the report below.

Executive Summary

4. High Wycombe Cemetery provides a standard burial service on weekdays, excepting Bank Holidays, and a standby burial service on Saturdays. In 2014/15 there were seven burials on a Saturday, five of which were Muslim burials and in 2013/14 there were five burials, of which two were Muslim burials.
5. A number of reports on this topic were considered by the Committee in early 2012 and no changes to the service were supported at this time. However a number of councillors have requested that options are considered again by this Committee.

Background and Issues

6. At present WDC offers both short notice and pre-booked burials on a Saturday to all who request it, with the cut off time for short notice burials being 12pm Saturday for a burial to take place that afternoon by 4pm. In practice there are very few requests for either short notice or pre-booked Saturday burials.
7. Over the last six years, the service has had the following burials:

Table 1: Saturday burials

2009/10	Muslim burial	8
	Other Religion burial	1
	Cremated remains	2
	Total	11
2010/11	Muslim burial	0
	Other Religion burial	2
	Cremated remains	4
	Total	6
2011/12	Muslim burial	3
	Other Religion burial	3
	Cremated remains	0
	Total	6
2012/13	Muslim burial	7
	Other Religion burial	4
	Cremated remains	3
	Total	14
2013/14	Muslim burial	2

	Other Religion burial	2
	Cremated remains	1
	Total	5
2014/15	Muslim burial	5
	Other Religion burial	1
	Cremated remains	1
	Total	7

Comparison with other Burial Authorities

8. In early 2012 research with other local authorities about 7 day burial provision revealed that a small number of councils provide cover at their cemeteries on Sundays and on Bank Holidays to accommodate burials but these usually attract a higher charge to cover the cost of having a Council Officer in attendance.
9. Further research has been undertaken in December 2015 when a short survey was sent to burial services in council areas known to have populations of Muslim residents – an anonymised copy of the findings is attached in Appendix A. In summary findings are as follows:
 - a. 19 responses were received, mostly from unitary councils;
 - b. 11 councils provide a weekend burial service covering Sundays and some, if not all, Bank Holidays. Five only provide a Saturday burial service. Three do not provide a weekend burial service;
 - c. In all cases where a service is provided a paid staff member of either the Council or the contractor attends (a few councils have fully contracted out their burial services);
 - d. 14 councils make an additional charge for weekend burial services; three do not. Charges vary widely;
 - e. There is no example where the community is allowed to bury without an officer in attendance. N.B. Chesham Town Council was not included in the survey.

Current and possible future arrangements at the High Wycombe Cemetery

10. There are three main costed elements to out-of-hours burial provision, the normal weekday interment costs; the contractor costs; and the cost relating to Council staff attendance.
11. Every burial has to pay the relevant interment fee regardless of when the burial occurs.
12. Arrangements to cover Saturday burials are currently as follows:
 - The contractor, Quadron, does not charge a separate stand-by rate for each Saturday as they were aware of this service requirement at the time of tendering and therefore priced their service accordingly. This is a different

approach from the previous contractor who was providing the service in 2012 and who added a charge for this standby service.

- The WDC staff member, who is required to monitor any burial, involves a rota system for the Cemetery Officer and one other Green Space team member. They are paid a stand-by rate on a Saturday which is currently £19.32 whether or not a burial takes place, plus they are paid 'time and a half' for the number of hours they work, based on the grade and salary for each of the staff members.

13. The table below details the standby costs for Sunday and bank holidays for the contractor and council:

Standby Rates Per Day	Sun	Bank Holiday
Contractor	£150	£180
WDC	£25.76	£25.76
	£176	£206

The contractor has identified the following additional costs of supporting Sunday and Bank Holiday burial services, which are for standby (three operatives until 12 noon): Sunday - £150 per day; Bank Holiday - £180 per day

The current cost for Sunday and Bank Holiday standby for WDC staff is £25.76 per day; plus all staff on standby on a Bank Holiday receive a day off in lieu. In addition they will be paid double time for any hours worked on a Sunday and Bank Holiday. This cost will change in line with any annual salary changes.

14. The table below details the direct costs (excluding standby) for each type of interment if it were to occur on a Sunday or Bank Holiday:

Sun / Bank Holiday rates	Interment	Right of Burial	Contractor Costs	WDC Costs	Total
Adult	£314	£706	£229.50	£160	£1,410
Child	£0	£353	£140.46	£160	£653
Ashes	£166	£412	£51.40	£160	£789
Concrete Chamber	£1,070	£706	£81.50	£160	£2,018

15. If Members decide to choose an option that introduces burials on Sundays and Bank Holidays, then this would effectively mean that all cemetery fees and charges would need to be reviewed and revised in order to recover all associated costs.
16. While each burial covers its individual costs stand-by charges will be incurred for every Sunday and Bank Holiday regardless of whether any burials take

place. These costs could be spread across all burials or, in line with the recent recommendation to Cabinet by the Committee they could be applied to Sunday and Bank Holiday burials.

17. Having looked at three years of burial data by days of the week it appears that there are 2-3 additional Muslim burials on Mondays compared to other days of the week. These could be either burials that could take place on Sundays or people choosing a lower cost funeral option, given that in the whole of the last two full years there have only been 12 Muslim burials on Saturdays.
18. The Committee could choose to apply both contractor and staff standby charges to an average of two Sunday/Bank Holiday burials however it is highly likely that the number of burials will be much lower in practice. This would result in an additional charge of £207 ($\text{£}10,580/51 = \text{£}207$; 51 because no burials can take place on Christmas Day and no additional allowance for Bank Holidays as they will almost invariably follow a Sunday)
19. The Committee may alternatively choose to apply the same formula that it has recently recommended to Cabinet for Saturday burials, namely to divide the standby costs by an anticipated average of seven interments per annum ($\text{£}10,580/7 = \text{£}1,511$). It is possible that because the charges are notably higher than other days of the week, including Saturdays, that seven interments will not take place and, if lower, the standby costs would not be recovered in full.
20. If the Committee decided to wait perhaps two years and review usage before seeking to apportion standby costs to Sunday and Bank Holiday funerals there is a risk that the increase in charge would be difficult to explain to service users at that point in time. In this situation the standby costs in the interim period would be apportioned across all charges for services at the Cemetery.

Options

21. The following options are appraised below:
 - Option 1: A seven day a week burial service
 - Option 2: A standby service that ensures that burials are never unavailable for more than one consecutive day, effectively a Bank Holiday burial service
 - Option 3: Remove stand-by Saturday service given very low level of use.

N.B. It should be noted that no burials can take place on Christmas Day or Easter Sunday as the Coroner's Service provides no service on these two days.

Option One – A seven day a week burial service

22. This option would be to provide a seven day a week burial service. However, no burials could be undertaken on Christmas Day and Easter Sunday.

23. The cost implications are split between direct additional costs plus standby charges.
24. The costs of this option include:
- a) the additional burial costs as outlined in table 22 for each burial;
 - b) standby costs for WDC of £1520 and for Quadron of £9,060 per annum which would need to be covered through an increase of all burial prices

25. Benefits

Responds to faith requests for same day burials.

26. Disadvantages

Cost – both the increased burial cost to families requiring a burial, and the fact that the additional cost for stand-by charges all year will also need to be factored into new fees and charges for the whole service, and would impact all those using the cemetery for burials, not just those taking advantage of the Sunday/Bank Holiday service.

Low demand compared to the cost involved.

High average cost per burial.

Need to consult and reach agreement with Council staff on changes to employment contracts.

Need to cover WDC staff time off for working bank holidays.

Need to negotiate and reach agreement with the contractor and their staff to provide standby cover.

Concerns by contractor about staff availability due to current commitments on these days. If a commitment is required to provide the service then further negotiations will be required with the contractor to vary the current contract

Any agreement with the current contractor would be valid to the end of the current contract and prices will change with the new contract.

Option Two - A standby service that ensures that burials are never unavailable for more than one day in any week

27. This would result in a standby service being available on Bank Holidays where these fall on a Monday or where there are two bank holidays together, but would not include Sundays. Examples of double bank holidays are Christmas Day and Boxing Day and special events such as the Queen's Jubilee.

28. This option reduces the financial costs as follows:

There are eight bank holidays per annum. Excluding Christmas Day burials, which cannot take place since the coroner's office shuts, the standby costs in relation to the Council would be reduced to £180.31 per year and for the contractor it would be £1260 per year. However the increased costs of the actual burial service itself would still be charged to the applicant.

Benefits

Ensures burials never later than 24-36 hours after death, except some years over the Christmas period.

29. Disadvantages

The additional cost for stand-by charges all year will also need to be factored into new fees and charges for the whole service, and would impact all those using the cemetery for burials, not just those taking advantage of this option.

Low demand versus cost incurred.

High average cost per burial.

Need to consult and reach agreement with Council staff on changes to employment contracts.

Need to cover WDC staff time off for working bank holidays.

Need to negotiate and reach agreement with the contractor and their staff to provide standby cover as this cannot currently be provided.

Any agreement with the current contractor would be valid to the end of the current contract and prices will change with the new contract.

Option 3 – Remove the current provision for Saturday burials

30. Given the low level of demand for Saturday burials, this option would remove current stand-by costs incurred by the Council throughout the year, which would equate to a saving of £1005.

Benefits

31. Reduces current costs for a service in low demand.

Disadvantages

32. The removal of the service offering short notice burials on Saturdays would impact in particular on the Muslim sector of the community, which has the most requirements for short notice burials.

Equalities considerations

33. An Equalities Impact Assessment ~~has been~~ ~~was~~ ~~undertaken~~ ~~and~~ ~~published~~ ~~in~~ ~~2012~~. ~~This has been reviewed and remains a valid assessment.~~—The decision needs to take account of the following equalities considerations:

- The Islamic faith indicates that Muslims should be buried as soon as is practical.
- The Jewish faith has similar requirements, although there are few Jewish burials in High Wycombe.
- This service should be offered to all communities but only Muslim community funeral directors are likely to promote and support the service. Christian Ministers are unlikely to be available for burials on a Sunday. Most Funeral Directors only have emergency cover for collection of bodies not for providing funerals on a Sunday.

- The subsidy issue is finely balanced. Muslim residents can argue that additional charges should not be levied as this is a faith requirement; non Muslim residents can argue that they should not bear the cost of subsidies for a seven day service they do not require and are unlikely to use.

Consultation

34. A formal consultation with affected staff will take place once the Committee's preferred option has been agreed. It is likely that it will not be possible to reach agreement given the impact on the individuals concerned, in which case we would seek a wider pool of internal staff to go on a standby rota. A similar process will also be required by the contractor with their staff and again it may not be possible to reach agreement given the impact on their staff.

Conclusions

35. As outlined in the report there are three options for the Committee to consider and if appropriate make a recommendation to Cabinet for approval. In addition there are three options for recovering standby costs (paras 18-20) for the Committee to take a view on. If the Committee does not select an option to recommend to Cabinet then the status quo will continue.

Next Steps

36. If changes are approved by Cabinet, the next step will be for staff consultation to take place on the Committee's preferred option. Any changes to staff contracts would then need to be formally implemented prior to the start of any additional services to residents. Any changes to fees and charges will need to be brought to HWTC and Cabinet at a later date for approval.

Background Papers

Files are held in Community Services

HWTC Reports in January and April 2012