

Crematoria and coroners review

Purpose of report

For discussion.

Summary

This paper sets out a number of issues around cremation and coroners and a proposal for future work on this area.

Recommendation

Board members are asked to agree that:

- 1) we produce a short guide for councillors to support them in scrutinising cremation provision; and
- 2) the LGA responds to the Government's consultations on crematorium and coroner provision.

Board members are asked to consider how the LGA should respond to the improvement issues raised in the crematoria review.

Action

Officers to progress as appropriate.

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Introduction

1. The provision of crematoria and burial services by local authorities has come under increasing scrutiny in recent months following the inquiry into infant cremations at Emstrey Crematorium, as well as the findings from the Scottish Bonomy Commission, and a number of other media stories over the summer.
2. The Government has announced that they will be conducting three reviews into both crematoria and coroners provision to ensure that they are answering the needs of local communities. This paper sets out the issues as well as a proposed work programme for looking at these issues in greater depth.

Crematoria

3. There have been a number of investigations into cremation practices over the last year, highlighting a number of issues in infant cremation. In June 2014 the Scottish Government released the Bonomy Commission's report into infant cremations. The role of the Commission was to examine the policies, practices and legislation related to the cremation of infants in Scotland and to provide recommendations for the future. The Commission was set up in response to the findings that Mortonhall Crematorium in Edinburgh had disposed of infant ashes without their family's knowledge. Over 250 families were affected by the working practices at the Crematorium. The Report contains 64 recommendations for the Scottish Government as well as the NHS, Funeral Directors and cremation authorities.
4. The independent report into infant cremations at the Emstrey Crematorium in Shropshire was published in May this year. Emstrey Crematorium was owned and managed by the former Shrewsbury & Atcham Borough Council until April 2009, when the new, unitary, Shropshire Council came into being. Since September 2011 it was managed by Co-Operative Funeralcare on behalf of Shropshire Council.
5. The Emstrey Crematorium was investigated on its handling of the cremation of the remains of infants of up to six months old. It was reported that between 2004 and 2012 there had been 29 cremations of infants for which no ashes had been returned to families. Following a meeting between the Leader of the Council and two bereaved families an independent inquiry was set up chaired by David Jenkins, a solicitor, and former Chief Executive of Dorset County Council.
6. The inquiry set out a number of findings about the techniques and technology that were employed by Emstrey Crematorium and the effect that this had on practices and the service received by families. The report makes twelve recommendations for the Government and for Shropshire council, and takes account of the Bonomy Commission's findings.

7. The recommendations for the Government contained within the report include:
 - 7.1. Creating a single and authoritative code of practice for baby and infant cremations.
 - 7.2. Appointing an independent inspector of crematoria in line with the recommendation 63 in the Bonomy Commission,
 - 7.3. The inspector's responsibilities shall include the promotion of a single national code of practice with regard to cremator technology and techniques for infant cremations so as to maximise the chances of the preservation of ashes.
 - 7.4. Amending the Cremation Regulations in England to give effect to the Bonomy Commission's definition of ashes, which the Commission defined as "all that is left in the cremator at the end of the cremation process and following the removal of any metal".
 - 7.5. Introducing minimum standards of professional training, and for continuing professional development, for crematorium supervisory and operating staff.
 - 7.6. Giving a single official, reporting to a single minister, responsibility for coordinating the Government's approach to cremation law and practice and for drawing together different government departments policies on the subject.
 - 7.7. Considering the recommendations from the Bonomy Commission's recommendations more widely.
8. The full report can be read on the council's website:
<http://shropshire.gov.uk/media/1540025/Independent-inquiry-report.pdf>
9. In July Daniel Kawczynski, the MP for Shrewsbury and Atcham in Shropshire, opened a Westminster Hall debate on infant cremations following the findings of the Emstrey Inquiry. The Minister, Caroline Dinenage, spoke at the debate, saying that the Government will be looking at all the recommendations coming out of the Emstrey Crematorium report and the Bonomy Commission as a part of the review.
10. The other crematoria related review the Government announced in the July Budget, will look into the size and provision of crematoria facilities to make sure they are fit for purpose and sensitive to the needs of all users and faiths. Councils need to provide good customer service to members of the public, answering the needs of all their communities at the same time as keeping costs for services reasonable. Councillors have a clear role to play to provide that reassurance to communities that their council's crematoria provision is responding to their requirements.
11. We have already begun engaging with a number of councils around their crematoria facilities and we are proposing that the LGA responds to the Government's reviews. To support councillors in their scrutiny of the services available in their crematoria we are also proposing that we produce a short guide setting out their role and some key considerations about service provision.

Coroners

12. The other element of the Government's announcement in the budget was to examine coroner services and whether they are answering the needs of local communities. This was particularly aimed at reviewing the out-of-hours provision for coroners and will be run by the Ministry of Justice.
13. The review of out-of-hours coroner services follows meetings Justice Secretary Michael Gove has had with faith groups on improving coroner services, including around developing a service across London to aid the whole community.
14. The Government has made a series of changes to coroners services in recent years including the creation of a new national code of practice for coroners, the appointment of a Chief Coroner for England and Wales to oversee the coroner system, providing greater access to documents for bereaved families, speeding up the release bodies after post-mortem examination, and requiring coroners to notify the deceased's next of kin or personal representative if the body cannot be released within 28 days as well as a number of other measures to speed up processes. The MoJ's review will also be looking at the impact of these changes alongside out-of-hours services.

Other issues

15. There have also been a number of other media stories over the summer on the costs associated with dying, with the BBC reporting that the costs of cremation have increased by a third since 2010. Councils do not run crematoria for profit however they need to ensure that they can cover the costs associated with cremation as well as maintaining burial grounds, updating equipment in line with emissions requirements and working to ensure that their facilities are kept up to date and meet the needs of local communities. An increase in the private provision of cremation services has also added pressure to councils' crematorium facilities and costs. The LGA responded to the news story however this is an ongoing issue.
16. Public health funerals have also become an increasing issue. There is anecdotal evidence that the number of public health funerals that councils are carrying out has increased recent. In 2010/11 the LGA calculated that the estimated total cost of public health funerals carried out by local authorities across England and Wales in 2010/11 was £2.1 million. It is very likely that this cost has gone up, and more public health funerals are being undertaken by councils. Under the Public Health (Control of Disease) Act 1984, when anyone in the area passes away outside of a hospital and there is no one else willing or able to pay, the local authority for that area must make the necessary arrangements for a public health funeral. This is a statutory duty on councils. Again this is an ongoing issue which we will continue to monitor.

Improvement

17. A key objective in all three of the Government's reviews is examining whether customers' needs and expectations of their crematoria and coroners services are being

met. In outlining their plans for the reviews, the Government said that they would be looking at the findings of the Emstrey and Bonomy Commissions. Both of these reviews recommended the introduction of an independent crematoria inspector.

18. The Emstrey report said that this should be based on the duties outlined in recommendation 63 of the Bonomy Commission which called for an inspector to monitor working practices and standards at crematoria, provide feedback to cremation authorities on how they are performing and to report to Scottish Ministers as required. The Bonomy Commission also recommended that the independent inspector had authority to investigate complaints from the public about working practices and standards at crematoria, to adjudicate upon these complaints and report findings to Ministers. The Commission also said that the role of the inspector should extend to the funeral industry.
19. The Chief Coroner has a similar role in improving the quality of service provided by coroners. His Honour Judge Peter Thornton QC took up his post in September 2012. The role of the Chief Coroner includes:
 - 19.1. Providing support, leadership and guidance for coroners in England and Wales;
 - 19.2. Setting national standards for all coroners, including new inquest rules;
 - 19.3. Putting in place suitable training arrangements for coroners and their staff;
 - 19.4. Approving coroner appointments;
 - 19.5. Keeping a register of coroner investigations lasting more than 12 months and take steps to reduce unnecessary delays;
 - 19.6. Providing an annual report on the coroner system to the Lord Chancellor, to be laid before Parliament;
20. There are also national bodies for crematoria including the Institute of Cemetery and Crematoria Management as well as the Federation of Burial and Cremation Authorities. Both organisations provide training, information and guidance to their members. Given the focus of the Government reviews on ensuring that the cremation and coroners services are providing effective services to their communities it would be helpful to have member's views on how we should respond to the different ways proposed for improving the customer experience. Should this be driven at a national level by an inspector, or should the government be looking towards a sector led approach with more sharing of good practice, and with councillors scrutinising services to improve performance?

Conclusion

21. It is important that bereaved families are provided with a good service when they use council crematoria and burial services. There are a number of options for achieving this which this paper sets out. There is a clear role for councillors to scrutinise these services to ensure provision is in line with local needs, as well as ensuring that the charges for these services are reasonable. Many councils are

already working on these issues and are seeking to improve their facilities and the LGA will support that work through the activities outlined here.