

LGA submission to the Consultation on cremation following infant cremation inquiries

February 2016



1. About the Local Government Association (LGA)

- 1.1. The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.
- 1.2. We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.
- 1.3. This paper contains the response of the LGA's Safer and Stronger Communities Board and will focus on the questions around the inspection of crematoria and the creation of a national working group.

2. Inspector of Crematoria

- 2.1. Providing a good service to bereaved families when they use council crematoria services is important to councils. Families come into contact with these services in very difficult and distressing circumstances and councils want to ensure that they are able to access reliable and effective services.
- 2.2. The consultation sets out proposals for a national inspector of crematoria to monitor working practices and ensuring appropriate standards at crematoria, based on the model established in Scotland. The Infant Cremation Commission in Scotland, which first proposed the idea of an inspector, carried out a large amount of detailed research to reach its conclusions and recommendations. In England we have had the Emstrey Report which looked at the failings of the Emstrey Crematorium in Shropshire on infant cremation. In comparison to the Infant Cremation Commission, the Emstrey report was concentrated in its scope on one crematoria.
- 2.3. It is not currently clear whether the issue is a widespread and pervasive one in England or Wales. We would therefore suggest more research is carried out on the scale of the issue, and how crematoria in England and Wales have responded to the Scottish Infant Cremation Commission and the Emstrey report. Only then will we be able to arrive at an informed decision as to whether the appointment of a national inspector is an appropriate response.
- 2.4. Councils could lead a local response to these issues. As cremation authorities councils have a key role in providing scrutiny of council run cremation services and ensuring that they are maintaining standards.

Submission

- 2.5. Council overview and scrutiny committees could look at this issue on a regular basis to ensure that council run crematoria are adhering to guidance from the Institute of Cemetery and Crematorium Management and/or the Federation of Burial and Cremation Authorities. From these investigations it would be possible to identify and share examples of good practice to help drive up standards across the sector. Any issues of maladministration could be referred to the Local Government Ombudsman. The LGA would be supportive of a stronger role for local authorities to scrutinise the provision of these services and will be looking to support councils to carry out this work.
- 2.6. It is clear however that there would need to be a separate scrutiny function for privately run crematoria. Further work would be needed to establish what an appropriate mechanism would be to do this work. This could be done by further use of the Federation of Burial and Cremation Authorities' "critical friend" visits to crematoria or the Institute of Cemetery and Crematorium Management's self-assessment tool.
- 2.7. Although the LGA believes that local authorities are well placed to drive up standards in local council run crematoria, it would in our view be possible to establish a local inspection regime to assist councils in their work. For example inspecting crematoria could be included in coroners' remit. As independent members of the judiciary their remit could include inspections of both private and public crematoria. The LGA believes that the Government should make available further funding for coroners services to enable them to take on this additional duty.
- 2.8. In Scotland the national inspector has responsibility for inspecting 28 crematoria, both public and private. In England and Wales the consultation identifies 247 crematoria. An exact replica of the Scottish model with a single inspector for the whole of England and Wales therefore seems unlikely. If coroners were to inspect crematoria, this would enable the workload to be shared across the 97 coroner areas in England and Wales.
- 2.9. If the Government is minded to introduce a single national inspector of crematoria, this would need to be fully funded by central Government. The provision of crematoria and cemeteries is not a statutory duty on local authorities, and provision of these services is not consistent throughout the country. Therefore creating a levy on top of cremation fees seems an impractical way to fund a national inspector and would have high administrative costs for local authorities to deal with what would presumably be relatively small sums. There would also be a number of more technical issues that needed to be considered with a levy on fees such as whether it is collected in arrears.

3. National working group

- 3.1. The LGA supports the proposal for a national working group to improve cremation law and practice to enable greater capture and sharing of best practice. This is an area where the LGA, as the national representative body for local government, could play a role. The LGA are looking to support councils to provide effective scrutiny of bereavement services in their localities and could play a role in sharing good practice and learning coming from the group. We would be keen to play a full part in the group.
- 3.2. It is clear that if a new inspector of crematoria is introduced, there must

be clear lines of accountability and greater clarity given on how the national working group would relate to the work of the inspector, and how they would report back to Ministers.