

WEST DUNBARTONSHIRE COUNCIL

Report by Executive Director of Corporate Services

Corporate & Efficient Governance Committee: 18 January 2012

Subject: National Assistance Act 1948 - Policy on Indigent Funerals

1.0 Purpose

- 1.1 To seek Committee approval of a policy to ensure a consistent approach is taken for the arrangement of indigent funerals.

2.0 Background

- 2.1 The Committee will recall that this report was continued from the 20 April 2011 Corporate & Efficient Governance Committee to enable a consultation exercise to be undertaken. This followed on from a letter to the Chair of the Committee dated 15 April 2011 from the Very Reverend Gerard Canon Tartgalia, Dean of the North-West Deanery of the Archdiocese of Glasgow.

The results of the consultation are reported in Section 4.0 of this report.

- 2.2 In terms of Section 50 of the National Assistance Act 1948 where no suitable arrangements are being, or have been, made for the disposal of a dead body, the local authority must make the necessary arrangements. The local authority for this purpose being the council in whose area the body is found. This provision places a duty on the local authority which has to be carried out and which, if no suitable arrangements for disposal of a body are being made, gives no choice to the local authority as to whether or not to make the necessary arrangements.
- 2.3 The Environmental Health and Legal Sections work together to ensure the requirements of the legislation are fulfilled where appropriate.
- 2.4 There is a three year contract in place with the Clydebank Co-operative Society which provides a basic funeral service.
- 2.5 The Crown Office National Ultimus Haeres Unit also has a role in arranging funerals for individuals who die without any next of kin but who have a solvent estate.

3.0 Main Issues

- 3.1 In general the Environmental Health Section arrange funerals for persons who die in the area without any next of kin and who are destitute however there have been a number of recent cases where family members of deceased persons are either unwilling or not in a financial position to make suitable funeral arrangements. The Act was not designed to relieve private individuals or their next of kin of their responsibility to make appropriate financial provision for their funerals or to transfer that burden of responsibility to local authorities however no-one can be legally forced to arrange a funeral.
- 3.2 Officers always advise any next of kin who are in receipt of benefits to contact the Benefits Agency to access grant funding for funerals of relatives thereby reducing any unnecessary financial burden on the Council.
- 3.3 In a number of cases where officers have to arrange funerals on behalf of unwilling or unable next of kin they are often faced with demands to provide additional funeral services at the expense of the Council. Examples of additional items include flowers, headstone, refreshment, attendance of clergy etc. Given the emotive circumstances involved and the lack of any clear policy on the issue it can sometimes be difficult to reject such demands.
- 3.4 To ensure that officers act consistently with all indigent funerals that they arrange and to reduce any additional costs to the Council a proposed policy is attached at Appendix 1.
- 3.5 It should be noted that the provision of flowers, headstones, refreshments, funeral cars, attendance by a minister etc, varies considerably between authorities.

4.0 Stakeholder Consultation

- 4.1 A consultation exercise was carried out between June and August 2011 with numerous faith groups and other stakeholders on the suggested draft policy.
- 4.2 The list of consultees and responses to the consultation are provided in Appendix 2.
- 4.3 The list of responses also included the comments from Canon Tartgalia from the Archdiocese of Glasgow in his letter of 15 April 2011 which prompted the consultation.
- 4.4 Four responses to the consultation were received.

4.5 The main issues to emerge from the four responses to the consultation are summarised as follows:

- (i) Rev Paul Gargaro, Deanery Secretary, Archdiocese of Glasgow.
 - Where the wishes of the deceased can be identified they should be offered the appropriate type of funeral service.
 - The wording of number 4 seems unfortunate. The phrase “ecumenical funeral service” means a funeral service conducted by more than one Christian denomination. I presume that the proposed policy intends something like “any type of religious service”. This wording needs to be clarified, unless the Council does indeed intend to make rules about multi-denominational services. We would though prefer that clause to be omitted altogether and something like “If the deceased or their family desire a religious funeral service, this shall be provided, but at no extra cost to the Council” be added at the end.
 - From the communications that we have received, the other priests and Church of Scotland ministers in the area agree with Canon Tartgalias comments.
- (ii) Father William Monaghan, Parish Priest, St Kessog’s Church, Balloch Road, Balloch.
 - I have read the proposed policy and do consider that the Authority has the intention of according the dignity required to an individual who is without means or perhaps relations who may or may not be in a position to pay for a funeral.
- (iii) Helen Lesley, Parish Nurse on behalf of Dumbarton Baptist Church.
 - The policy that you have sent out is perfectly satisfactory as far as I can see except for one point .The only point here that I need to query is the provision of a funeral service. I assume that you have included this while thinking of cost. There would not necessarily be a cost involved in a brief (5-10 minute) dignified, ecumenical committal at the grave side. Not all clergy charge for funerals and funerals do not require ordained clergy to do this and we at the Baptist church do not charge. Depending on numbers involved, this may be something that we could consider helping with.

(iv) Father Gerard Conroy, St Patricks, Dumbarton.

- While I gratefully note that it is the council's intention to continue their practice of attempting to identify the deceased's religious beliefs, I am concerned that there seems to be no provision for the deceased being brought to Church and a Funeral Mass being offered there as is the custom for Catholics and was until recently also the custom of the council.

I realise that there are added financial constraints being placed upon you, however I hope that the tradition of bringing the body to Church for a Mass could continue. Since the church makes no charge for this and I cannot imagine that the undertakers' fees would be substantially different from simply taking the coffin to the crematorium or cemetery. I would encourage the council to include this option in their proposed policy.

4.6 There are obvious difficulties in the Council attempting to ascertain a person's religious beliefs where there are no relatives willing to be involved in the funeral arrangements, which is often the case with such funerals. Thus it is not recommended that a service forms part of the funeral as a matter of course. However the funeral arrangements provided by the crematorium would allow a short service to be delivered at the crematorium if relatives so wished. This would be at no additional cost to the Council. If relatives wish this it is recommended that they should make the arrangements with the church and crematorium, in liaison with the Council. In relation to the proposal of Father Conroy at Section 4.5 (iv) there would be an additional charge of £175 for taking a body to the Church for a Mass. West Dunbartonshire Council has never provided such services in the past. Accordingly it is recommended that where relatives desire this to take place that they should meet the costs of this

5.0 People Implications

5.1 There are no people implications.

6.0 Financial Implications

6.1 There is a small revenue budget of £7,000 for indigent funerals which normally covers the demand we experience. The Council may receive monies from the estate of some deceased which offsets initial expenditure. Should the committee change the proposed policy significantly then this budget may require to be enhanced.

7.0 Risk Analysis

7.1 The requirements of Section 50 of the National Assistance Act 1948 are mandatory therefore the Council must fulfil its duties accordingly.

8.0 Equalities Impact Assessment (EIA)

8.1 This proposal has been screened and found to be relevant in terms of the Public Sector Equality Duty. An EIA has been carried out a copy of which is attached at Appendix 3. Potential significant negative impacts were identified; however suggestions for mitigating these have been incorporated into the suggested policy.

9.0 Strategic Assessment

9.1 This report has no direct impact on any of the four strategic priorities for 2011/12.

10.0 Conclusions and Recommendations

10.1 The committee is invited to consider the feedback from the consultation process, the equalities impact assessment and the proposed policy before approving a final policy that will allow consistent application and minimise financial demands on the Council.

David Amos
Interim Executive Director of Corporate Services

Date:

Person to Contact John Stevenson, Section Head Environmental Health,
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Appendix 1: National Assistance Act 1948 - Policy on Indigent Funerals
Appendix 2: List of Consultees
Appendix 3: Equalities Impact Assessment

Background Papers:

Wards Affected: All

Appendix 1.

National Assistance Act 1948 – West Dunbartonshire Council Indigent Funeral Policy

1. All funerals shall take place within the West Dunbartonshire locality Monday to Friday between 9am and 4pm.
2. Cremation shall be considered the normal method of dealing with the remains of the deceased.

Exceptions to this will include;

- i. Where a family lair is available locally.
 - ii. Where the Council has reason to believe that cremation would be contrary to the wishes of the deceased.
 - iii. Where otherwise directed by the Police/Crown Office.
 - iv. Non resident deceased persons where this would incur additional cremation charges.
3. Where burial is used rather than cremation of the deceased no headstone shall be permitted as each lair provided by the Council shall be able to accommodate a maximum of three bodies.
 4. No flowers or reception shall be provided by the Council.
 5. The Council shall seek competitive quotations for the provision of Funeral Director Services every three years for the most basic funeral service provision.
 6. A funeral service or committal will be provided on request where there is no additional cost to the council.

Appendix 2

List of Consultees

The Environmental Health section consulted the following faith groups and stakeholders regarding the Policy on Indigent Funerals:

Responses:

Abbotsford Parish Church
Alexandria Methodist Church
Alexandria Parish Church
Baptist Church of Dumbarton (25/07/11 - Helen Leslie)
Bonhill Parish Church
Clydebank Methodist Church
Dalmuir Barclay
Duntocher Trinity
Elim Pentecostal Family Church
Faifley Parish Church
Jamestown parish Church
Kilbowie St Andrew's Church
Kilmarnock Parish Church
Morison Memorial United Reformed Church
Our Holy Redeemer RC Church
Our Lady and St Mark's Catholic Church
Overtoun House Christian Centre
Radnor Park Manse
Reformed Baptist Church
Renton Trinity Church
Riverside Parish Church
St Margaret's Catholic Church (22/08/11 – Rev Paul Gargaro)
St Andrews Church of Scotland
St Augustines Episcopal Church
St Brendan Catholic Church
St Eunans Catholic Church
St Joseph's Catholic Church
St Kessog's Catholic Church (01/07/11 – Fr William Monaghan)
St Martin's Catholic Church
St Mary's Catholic Church
St Michael's R.C. Church
St Mungo's Episcopal Church
St Patrick's Catholic Church (19/07/11 – Fr Gerard Conroy)
St Peter's Catholic Church
St Ronan's Catholic Church
St Stephen's Catholic Church
West Kirk Church

Other stakeholders contacted included:

National Ultimus Haeres Unit, Procurator Fiscals Office, Glasgow
Jobcentre Plus, Clydebank

Helen Turley, Head of Service, Housing & Community Safety, West Dunbartonshire Council

Soumen Sengupta, Head of Strategy, Planning & Health Improvement, West Dunbartonshire Council

John Blair, Local Police Liaison Officer, West Dunbartonshire Council

Cindy Hendry, Ethnic Women's Group

Haji Munir, West Dunbartonshire Minority Ethnic Association

Rev Ishaku Bitrus, ISARO Social Integration Network

Issues highlighted following consultation:

- The main issue to emerge from the consultation exercise is that the Catholic Church has requested that any deceased Catholic be taken to a Catholic Church the night before the funeral mass. Currently the remains are taken to a Cemetery or Crematorium and a Priest conducts a service. Taking the remains to the Church the night before the main Funeral Mass and taking the deceased from the church to the final resting place.

Appendix 3. Equalities Impact Assessment.

EQUALITY IMPACT ASSESSMENT FORM

This form is to be used in conjunction with the Equality Impact Assessment Guidelines. Please refer to these before starting; if you require further guidance contact community.planning@west-dunbarton.gov.uk

Section 1: Policy/Function/Decision (PFD) Details	
A PFD is understood in the broad sense including the full range of functions, activities and decisions the council is responsible for.	
Name of PFD:	Indigent Funerals
Lead Department & other departments/ partners involved:	Corporate Services
Responsible Officer	John Stevenson Section Head Environmental Health
Impact Assessment Team	John Stevenson, Ricardo Rea
Is this a new or existing PFD?	New
Start date: (the assessment should be started prior to PFD development/drafting or at the early stages of review): 14/11/11	
End date (this should allow for the assessment to inform decision-making): 16/12/11	
What are the main aims of the PFD ?	To provide a consistent approach for the arrangement of indigent funerals.
Who are the main target groups/ who will be affected by the PFD ?	Persons and families of deceased persons without sufficient financial means to arrange and pay for their own funeral or those of a close relative.
Relevance (of PFD to the general equality duties and equality groups, also record if there is no relevance giving reasons/ evidence)	
Yes: Relevant because the original proposal recommended the exclusion of ecumenical funeral services to reduce costs to the council.	
	If yes, complete all sections, 2-9
	If no, complete only sections 8-9
	If don't know, complete sections 2& 3 to help assess relevance

Section 2: Evidence	
Please list the available evidence used to assess the impact of this PFD, including the sources listed below. Please also identify any gaps in evidence and what will be done to address this.	
Available evidence:	
Consultation/ Involvement with community, including individuals or groups or staff as relevant	Consultation exercise carried out with local faith groups and other stakeholders between May and August 2011. Four written responses were received.
Research and relevant information	Benchmarking exercise with 19 other Local Authorities was undertaken in October 2010
Officer knowledge	Three EHOs within the Environmental Health Section have wide experience in dealing with indigent funerals.
Equality Monitoring information – including service and employee monitoring	A starting point for employee monitoring is linked here in terms of service monitoring you should contact the person responsible in your own department.
Feedback from service users, partner or other organisation as relevant	You can contact community.planning@west-dunbarton.gov.uk for further information
Other	
Are there any gaps in evidence? Please indicate how these will be addressed	
Gaps identified	None identified
Measure to address these	NA
<i>Note: Link to Section 6 below Action Plan to address any gaps in evidence</i>	

Section 3: Involvement and Consultation

Include involvement and consultation relevant to this PFD, including what has already been done and what is required to be done, how this will be taken and results of the consultation.

Please outline details of any involvement or consultation, including dates carried out, protected characteristics. Also include involvement or consultation to be carried out as part of the developing and implementing the policy.

Details of consultations	Dates	Findings	Characteristics
Consultation letter sent to faith groups and other stakeholders .	29 June 2011	Four responses were received from religious groups. The main issue raised was that all deceased persons should be afforded the right to a funeral service according to their beliefs. Two responses indicated that there would be no charge for such services. One response was concerned that no provision was made for the deceased being brought to Church for a Funeral Mass.	Religion/Belief
			Other

Note: Link to Section 6 below Action Plan

Section 4: Analysis of positive and Negative Impacts

Protected Characteristic	Positive Impact	Negative Impact	No impact
Race			✓
Sex			✓
Gender Re-assignment			✓
Disability			✓
Age			✓
Religion/ Belief		Exclusion of an ecumenical funeral service	
Sexual Orientation			✓
Civil Partnership/ Marriage			✓

Note: Link to Section 6 below Action Plan in terms of addressing impacts

Section 5: Addressing impacts

Select which of the following apply (use can choose more than one) and give a brief explanation – to be expanded in Section 6: Action Plan

1. No major change	
2. Continue the PFD	
3. Adjust the PFD	Remove the exclusion of funeral services from the policy
4. Stop and remove the PFD	

Give reasons:

Adjust PFD to recognise that there will be no additional costs for the provision of a funeral service

Note: Link to Section 6 below Action Plan

Section 6: Action Plan Please describe any action which will be taken following the assessment in order to;

- reduce or remove any negative impacts,
- promote any positive impacts, or
- gather further information or evidence or further consultation required

Action	Responsible person (s)	Intended outcome	Date for completion	Protected Characteristic
Draft policy amended	John Stevenson	Remove potential for discrimination on religious or other beliefs	16/12/11	Religion/Belief

Are there any negative impacts which cannot be reduced or removed? please outline the reasons for continuing PFD

No

Section 7: Monitoring and review		
Please detail the arrangements for review and monitoring of the policy		
How will the PFD be monitored? What equalities monitoring will be put in place?	Annual review.	
When will the PFD be reviewed?	January 2013	
Is there any procurement involved in this PFD? Yes/No	Yes. Three year contract for the provision of funeral services. Next tender due in 2013.	
Section 8: Signatures		
The following signatures are required:		
Lead/ Responsible Officer:	Signature:	Date:
EIA Trained Officer:	Signature:	Date:
Section 9: Follow up action		
Publishing: Forward to Community Planning and Policy for inclusion on intranet/ internet pages	Signature:	Date:
Service planning: Link to service planning/ covalent – update your service plan/ covalent actions accordingly	Signature:	Date:
Give details:		
Committee Reporting: complete relevant paragraph on committee report and provide further information as necessary	Signature:	Date:
Completed form: Pass completed forms retained within department and copy passed to Equality Policy Development Officer within Community Planning and Policy	Signature:	Date: