

Agenda Item	9.
Report No	CP/10/20

## HIGHLAND COUNCIL

**Committee:** Communities and Place

**Date:** 19<sup>th</sup> August 2020

**Report Title:** Bereavement Services Update and the Approach to Burial Ground Extensions

**Report By:** Executive Chief Officer Communities and Place

### 1. Purpose/Executive Summary

1.1 This report provides Members with an update on the Council's Bereavement services. This includes:

- new projects and service developments;
- the approach to burial ground capacity and memorial safety;
- current activities around assurance and regulation of bereavement services;
- the UK wide investigation into the supply of services by funeral directors and the supply of crematoria services in the UK by the Competition and Markets Authority (CMA); and
- the additional deaths planning undertaken during our covid response.

### 2. Recommendations

2.1 Members are asked to:

- a) Note the new infrastructure project established to reduce the risks around burial ground capacity, with 33 out of 268 burial grounds with an estimated capacity of less than 6 years;
- b) Note the challenges with identifying and developing suitable land for burial ground development and the project mitigation in place;
- c) Agree that an annual report is presented for each Area Committee beginning in 2021 to allow monitoring of burial ground capacities and extensions proposed for each area;
- d) Note the 5-year rolling programme of inspection planned for all memorials;
- e) Note the Lean review of burials administration will be reported to the Redesign Board on 1<sup>st</sup> September and the progress against all audit actions will be reported to the Audit and Scrutiny Committee on 24<sup>th</sup> September 2020;
- f) Note the scope of the CMA investigation and that a provisional decision report is expected this month before the investigation concludes in March 2021 and that the implications of the provisional decision on the Council will be assessed and reported to Members; and
- g) Note the additional deaths planning undertaken for Council's covid response.

### **3. Implications**

#### **3.1 Resource implications**

The capital budget for 2019/20 is £622k of which £591k is carried forward to 2020/21 to cover committed expenditure. Capital resources to address burial ground extensions and memorial safety will be considered as part of the wider review of capital programme priorities in 2020/21. The resource implications arising from the CMA investigation will be assessed and reported to Members when known.

#### **3.2 Legal implication**

Highland Council has a statutory obligation to manage burial provision and for memorial safety. These duties include the safety of the work force.

#### **3.3 Community implications (Equality, Poverty and Rural)**

The CMA investigation included consideration of funeral poverty and the need for transparency in pricing and affordable funeral options. The provisional decision report is due this month and implications for the Council will be assessed. The Council currently provides assistance with funeral costs.

#### **3.4 Climate Change / Carbon Clever**

One of the options being considered as part of the infrastructure project is the introduction of Council-run woodland burials.

#### **3.5 Risk implications**

The infrastructure project and service developments now underway aim to reduce service risks. There are risks to being able to offer advance purchase of family lairs if burial ground expansion cannot be developed timeously. There are risks that where burial ground capacity is severely constrained we will be unable to provide burials in some locations to meet the preferences of some families. The safety of staff and visitors in burial grounds is a statutory obligation for local authorities and the work around memorial safety is planned to reduce risks.

#### **3.6 Gaelic implications**

In line with the Council's Guidelines on the use of Gaelic, at burial grounds where new signs are being erected or existing signs require to be replaced, bilingual signs will be erected.

### **4. New projects and service developments**

4.1 To enhance managerial capacity, in February 2020 management responsibility for the strategic work on bereavement services was moved within the service to the Environmental Health Manager.

4.2 In April 2020 two key changes were made to reduce service risks:

- A new infrastructure project was established to deal with service risks relating to reducing capacity in Council burial grounds and memorial safety. The project will involve taking forward a detailed, strategic review of the planning of the Council's cemeteries for the next 20 years. This will include reviewing current capacity within our cemeteries and identifying potential options for consideration and as part of the Council's approach to developing its capital programme priorities. The project also includes the planning and implementation of work on memorials in our cemeteries to ensure they are in a safe condition and minimise risk to members of the public and staff. A Bereavement Services Project Manager post has been appointed. The project is described further below.

- Service developments are needed to: respond to the internal audit findings for burial administration; identify other service improvements; and adapt to national changes expected from the Competition and Markets Authority (CMA) investigation on the supply of services by funeral directors and the supply of crematoria services in the UK. A new Bereavement Services Manager is in post, based at Kilvean. The post also has overall management responsibilities for the team at the Inverness Crematorium and the Inverness area burial team.

4.3 Out with the Inverness area the operational aspects of burial grounds maintenance and internments will continue to be managed by the Amenities Teams for the north and south of Highland.

## **5. Burial Ground capacity and memorial safety**

5.1 The Burial and Cremation (Scotland) Act 2016 determines that The Highland Council is statutorily obliged to provide at least one burial ground within its area. The Highland Council currently has 268 burial grounds. The Highland Council also operates Inverness Crematorium, located at Kilvean, Inverness.

5.2 The project described in paragraph 4.2 involves evaluating burial capacity throughout the Highland area and is prioritising burial grounds extensions where current capacity is less than 6 years based on past trends. There are 33 burial grounds with less than 6 year's burial capacity. These are detailed in Appendix 1.

5.3 In many locations it is becoming increasingly challenging to identify available land for development either for extensions or for new burial grounds. The reasons include:

- a) land availability and purchase cost;
- b) developments costs;
- c) land suitability and geology – land conditions and requirements must comply with SEPA guidelines for burial grounds, be relatively flat land with little or no rock formations;
- d) regulatory requirements - the selection of any new sites or extensions must not cause any pollution to the environment, including groundwater and this is regulated by SEPA; and
- e) acceptability with local Planning considerations.

5.4 The Bereavement Services Project involves the Council's surveyors, design team and legal team.

5.5 The project also requires:

- engagement with communities at an early stage. This can help to identify suitable land, involve key stakeholders and raise awareness of the capital challenges facing the Council;
- continue engagement with SEPA to ensure early liaison on ground standards prior to pursuing land purchase;
- considering the current specification to look at issues such as minimum land maintenance designs and key requirements;
- considering other options including the development of woodland burial grounds and the closure of burial grounds to new internments where extensions are not feasible.

5.6 To provide scrutiny and discussion locally, it is proposed to establish an annual report for each Area Committee beginning in 2021 to allow monitoring of burial ground capacities and extensions proposed for their area.

5.7 The safety of staff and visitors in burial grounds is a statutory obligation for local authorities. This is under both the Health and Safety at Work etc. Act 1974 (as amended) (HSWA1974) and the Occupier's Liability (Scotland) Act 1960. Updated guidance on memorial safety was issued by the Scottish Government following a Fatal Accident Inquiry (FAI) into the death of a child in a Glasgow cemetery.

5.8 The Council inspect memorial stones and respond to any concerns raised on the issue. The Council's Burials Grounds Policy and the Scottish Government guidelines require an active inspection/repair regime to be in place. It is planned to inspect/record all memorials in a rolling 5-year programme. A risk-based approach is required to inspection given the small team of staff available (1FTE and 1 temporary graduate post) and using feedback from amenities team attending burial grounds and reports from families and funeral directors. Within the project, and given the covid disruption to operations, 26 burial grounds have been inspected to date. All memorials are photographed and along with inspection data will be recorded digitally for future checks and records.

## **6. Assurance and regulation of bereavement services**

6.1 Members may recall an intern audit (HCD07/001) on the administration of Burials and Cremations. It was last reported to the Audit and Scrutiny Committee meeting in September 2019. While some audit actions were reported as completed, the report identified several administrative actions outstanding including:

- improved document management (storage, retention and accessibility of records currently held in hard copy or not held on registers);
- improved consistency in advance sale of lairs, pre-payment, invoicing and debt management;
- improved lair identification; and
- consistent management rules for cemeteries across the region.

6.2 Progress has been made to address audit actions, supported by a Lean review which commenced in 2019. The review was interrupted by our Covid response but has now re-started. As agreed at the Audit and Scrutiny Committee meeting, the Redesign Board is to scrutinise the output Lean review and this is now scheduled for 1<sup>st</sup> September 2020. This will be in time to report on the progress across all audit actions for the Audit and Scrutiny Committee on 24<sup>th</sup> September 2020.

6.3 To compliment the internal reviews, members will be aware that the Crematorium is subject to Annual Inspection by the Scottish Government's Inspector of Crematoria. As reported to the Communities and Place Committee on 26 February 2020 the latest inspection was positive with the Inspector's summary finding that: 'The Inspection found there to be no shortcomings in any area of the cremation process at Inverness Crematorium with good practice observed throughout the different stages.'

## **7. UK wide investigation by the Competition and Markets Authority (CMA)**

7.1 In 2019 the Competition and Markets Authority (CMA) launched an in-depth market investigation on the supply of services by funeral directors and the supply of crematoria services in the UK.

7.2 The investigation was prompted by concerns by the CMA on issues including:

- the rise in cost of organising a funeral in the UK;

- apparent reluctance of firms to publish/disclose clear prices, including online, or to provide comprehensive information on quality and range of services and products, making it difficult for people to compare funeral directors;
- the vulnerability of many people when organising a funeral, which can make it more difficult for them to review choices, options or costs; and
- low numbers of crematoria providers in local areas, and difficulty for new companies to enter the market due to the planning regime and high fixed costs.

7.3 The investigation has been delayed due to Covid. A Provisional Decision report is expected in August. Parties will be given time to engage with the CMA following the publication of the Provisional Decision report and before the statutory deadline for this market investigation on 27<sup>th</sup> March 2021.

7.4 The CMA have indicated that they are considering a number of measures following the investigation which could include:

- a) the introduction of a quality regulation regime;
- b) measures to promote greater information transparency;
- c) price controls:
  - I. regulating the price of funeral director services;
  - II. regulating the price of crematoria services – this may be a price cap to apply to a benchmark cremation package.
- d) A proposal for local authority tendering of 'respectful funerals. A number of Councils across the UK operate schemes to give local residents access to funeral services at a pre-agreed fixed rate. The funeral services are provided to the bereaved by a funeral director, normally on terms, and at a price, agreed with the LA.

7.5 The CMA's Provisional Decision report will be reviewed for potential impact on the Council and to identify any changes that may need to be implemented by the Council in 2021.

## **8. Additional Deaths Planning**

8.1 In our Covid response the Council established an Additional Deaths Coordination Group (ADCG). The key role for the group was to ensure the Council met its statutory duties under Burials and Civil Contingencies legislation, provide bereavement services in a respectful way with dignity for the deceased and to avoid delays for bereaved families.

8.2 Normally we would provide around 1500 burials and 1200 cremations in a year across the Highland area. The initial modelling for the pandemic suggested the impact of the virus could result in a far higher number of deaths in Highland if controls were not introduced by the Government and followed by communities. By the end of July 53 Covid deaths were registered in the area. Every single death in the area will have impacted on families, friends and communities and the Council expresses its condolences for the loss.

8.3 The ADCG group and supporting staff in the Council have carried out a wide range of activities to ensure an appropriate response to the Covid 19 Pandemic and these are detailed in Appendix 2.

8.4 As can be seen in Appendix 2, the ADCG group and supporting staff throughout the Council responded well to the challenges posed by Covid-19 and ensured bereavement services were maintained in a respectful way with dignity for the deceased. Improvements made by the group will be continued including improved communication methods and regular liaison with funeral directors and memorial masons.

8.5 The ADCG group have stopped regular meetings but can be reinstated if required.

Designation: Executive Chief Officer Communities and Place

Date: 10.8.20

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Background Papers:

Competition and Markets Authority Funeral Market Investigation:

<https://www.gov.uk/cma-cases/funerals-market-study>

Appendix 1

Burial grounds with an estimated capacity of less than 6 years.

Appendix 2 - Additional Deaths Coordination Group (ADCG) activities

## Burial grounds with an estimated capacity of less than 6 years

Name	Area	Location	Estimated Years Until All Lairs Are Sold (07/07/20)	Notes
Alness	Alness	On West side of Alness	0	Design complete. SEPA limit burials to 10 per year, making the current site unacceptable for the number of burials required. Other sites in and around Alness being investigated.
Morar Beoraid	Lochaber	South of Mallaig outside Morar	0.3	Extension planned. Legal in discussions with Landowners.
Proncynain	Drummuie	Poles Road just outside Dornoch	0.5	Design complete. SEPA limit burials to 10 per year, making the current site unacceptable for the number of burials required. Other sites in and around Dornoch being investigated.
Glen Nevis	Lochaber	East of Fort William	0.5	Extension planned but a shortage of appropriate land is a critical issue. Property Surveyor still investigating possible sites.
Petty-Tornagrain	Inverness	A96 before INV airport	0.8	Option appraisal underway.
Cille a' Bhealaich	Skye & Lochalsh	West of Staffin on Northern tip	1.4	Trail digs required. Currently 10 extra lairs available. At least 60 lairs available but work needs done. Once 60 in place lifespan will be 8.8
Dunvegan	Skye & Lochalsh	SE of Dunvegan Castle, A850	1.5	Option appraisal underway.
Portnalong	Skye & Lochalsh	South of Portnalong, B8009	1.8	Possible space for 40 lairs.
Tore	Dingwall & Black Isle		1.9	Option appraisal underway.
Chapelhill	Tain	Between Arabella and Nigg	2	Landowner contacted and of the mind to sell. Design and trial pits underway.
Croy	Inverness	B9006, North of Croy	2.1	Option appraisal underway.
Duror	Lochaber	A828 south of Duror	2.4	Option appraisal underway.

Arisaig	Lochaber	South of Morar & Mallaig, A830	2.7	Extension planned. Option appraisal underway.
Mount Vernon	Wick & Thurso	South of Thurso off A9	2.8	Option appraisal underway.
Strath	Skye & Lochalsh	NW of Broadford, A87	2.9	
Blarour	Lochaber	NE of Spean Bridge, A82	3.4	
Kinlochmore	Lochaber	South of Fort William near Glencoe	3.5	
Reay	Wick & Thurso	Beside golf course near Melvich	3.6	
Portree	Skye & Lochalsh	Southern edge of Portree	4	Cemetery in phase 2. Lairs found in old section of cemetery
Rosskeen	Alness	Shore road	4.5	Issue with waterlogging.
Daviot	Inverness		4.9	Extension being developed.
Kilbeg	Skye & Lochalsh	Just North of Armadale	5	
Wick	Wick & Thurso	South edge of Wick, A99	5	
Ardgour	Lochaber	N of Ardgour, S of Fort William	5.2	
Mitchell Hill	Dingwall & Black Isle	Top of hill, south of Dingwall	5.6	
Lairg	Drummuie	N of Village, Manse Road	5.8	
Golspie	Drummuie	End of Main street	5.9	
Kilvean	Inverness	Kilvean road, inverness	5.9	All sections selling future use, 10 no presale.

### Burial grounds at capacity or currently closed

Name	Area	Location	Estimated Years Until All Lairs Are Sold (07/07/20)	Comments
Fortrose Old	Dingwall and Black Isle	Fortrose	0	Last internments 2019
Kilmallie New	Lochaber	Corpach just outside Fort William	0	
Ashaig	Skye and Lochalsh	Between Broadford and Kyle	0	Last internment in 2019



Oldshoremore	Wick & Thurso	Just North of Kinlochbervie on the West Coast	0	Last internment in 2020
Dores	Inverness		0	Closed. Discussions ongoing between land owner, HC housing and C.S to acquire land for housing and extension.

## Additional Death Coordinating Group Activities

1. The group met regularly, and a number of key activities were undertaken:
  - Modelling of pandemic and additional deaths was carried out and updated. This was based on information from Scottish Government and NHS Highland.
  - Registrars implemented new legislation to streamline the death registration process. This allowed informants to provide the required information to registrars by phone, skype, video-conferencing or any other feasible means.
  - Arrangements were made to bring forward increase capacity at priority burial grounds.
  - Prepared for additional demand for benefits advice on assistance for funeral costs.
  - Prepared for an increase in national assistance burials with Environmental Health's procedures reviewed and updated.
  - Regular communications were established with local funeral directors and colleagues in NHS Highland, Military liaison and HI LRP Mass fatalities group.
  - Capacity for body storage in Highland area in NHS Highland and Funeral directors' premises was monitored.
  - Implementation of guidance and legislation on funerals and crematorium on social distancing. Advice was issued regularly to funeral directors and on Council website.
  - Absences amongst key teams in Highland was monitored.
  - New statutory guidance on powers under the Coronavirus Act 2020 were reviewed. These covered powers to LAs relating to the transportation, storage and disposal of dead bodies and other human remains.
  
2. **Burial teams**

Local management discussed with teams the actions and possible escalation of burial arrangements to respond to increases in demand. These included:

  - work undertaken in all areas on preparation of advance lairs particularly in burial grounds with problematic ground conditions. Nearly 200 were prepared across Highland;
  - additional staff to support burial teams were identified;
  - additional excavator training was undertaken to support teams; and
  - in the event of a need to respond to an increase in demand, local managers have options to consider increase working hours /or additional staffing to put more teams in an area. Given tasks and need for accurate lair identification an experienced member of staff would always be present. Plant and equipment were ready to be increased if required.

### 3. Inverness Crematorium

Similar to burial teams, preparations were made for possible increases in demand. For the crematorium this included:

- a further 9 staff were trained for crematorium operations. Additional staff were also trained for administrative duties;
- a full time cleaner was deployed to clean between services;
- the weekly schedule was altered to allow more direct cremations and less services;
- in the event of increase in demand, managers had options to increase working hours.

### 4. Temporary Mortuary

A key task of the group was to make temporary mortuary arrangements for the Highlands. This is a responsibility for the Council under Civil Contingencies. The options developed included:

- the purchase of 3 temporary units (each with capacity of 12-15). These are designed to sit within a building and are easily transportable. A suitable Council building was prepared in Inverness and was used for training (photo below). The temporary units may also be located in other areas such as Caithness, Lochaber or Skye. During the covid response a temporary unit was deployed to Skye.
- working with NHS Highland and Scottish Government on a portacabin unit at Raigmore (70 capacity)
- the possible hire and conversion of suitable commercial premises – one in Easter Ross and one in Inverness.

