

CABINET MEETING – 14 JULY 2022

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

The Improvement of Bereavement Services

Author(s):

Chief Executive

Purpose of Report:

The purpose of this report is to provide Cabinet with an update of ongoing service developments within Bereavement Services and to seek Cabinet approval in relation to a number of decisions which support continued service development.

Description of Decision:

Cabinet is requested to:

- i) approve the revised Cemetery and Crematorium Regulations;
- ii) agree that the Service implements the sensitive management of historic Regulation breaches;
- iii) agree the Service implements management of historic memorial items; and
- iv) approve the implementation of extended access at Sunderland Crematorium for memorial purposes.

Is the decision consistent with the Budget/Policy Framework?

Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

The services offered by Bereavement Services have been in a process of review and improvement for 18 months. The implementation of the further service improvements and Regulation changes will further enhance the services available.

Alternative options to be considered and recommended to be rejected:

- a) The option not to amend the Cemetery and Crematorium Regulations has been considered and rejected, as the proposed amendments respond to regulatory requirements and the effective running and maintenance of facilities in meeting health and safety requirements. The amendments provide necessary detail to the existing policy to support service delivery and as such no alternative options are proposed.
- b) Consideration has been given not to manage historic regulatory breaches and this option has been rejected as the management of both ongoing and historic regulatory breaches is required to support the terms of the existing policy and prevent future service issues specifically in cemeteries. No alternative options are recommended

- c) The option not to implement management for historic memorial items has been considered and rejected. A single management process for all memorials is required to provide a consistent approach to all memorial sponsorship, resolving any misinterpretation in the terms of original sale. The option exists not to implement the management arrangements of historic memorial benches however this would not resolve the demand issues in seafront locations and will result in future issues as benches are removed as part of any routine replacement programme.
- d) The option not to expand the Bereavement Services to include Memorial Days and bereavement support has been rejected. As a service enhancement which offers additional opportunities for residents as well as support to the bereaved is not offered by any other authority in the Northeast and can be delivered at minimal cost.

Impacts analysed;

Equality ☒ Privacy ☒ Sustainability ☐ Crime and Disorder ☐

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28-day Notice of Decisions? Yes

REPORT OF THE CHIEF EXECUTIVE**THE IMPROVEMENT OF BEREAVEMENT SERVICES****1. Purpose of the Report**

- 1.1 The purpose of this report is to provide Cabinet with an update of ongoing service developments within Bereavement Services and to seek Cabinet approval in relation to a number of decisions which support continued service development.

2. Description of Decision

- 2.1 Cabinet is requested to:

- i) approve the revised Cemetery and Crematorium Regulations;
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- iv) approve the implementation of extended access at Sunderland Crematorium for memorial purposes.

3. Introduction/Background

- 3.1 In June 2021 'The Improvement of Bereavement Services' report was presented to Cabinet outlining a broad range of service enhancements to Bereavement Services. The report included an update on the existing Cemetery and Crematorium Regulations and sought approval to actively apply the Regulations relating to grave management and cemetery conduct following prior absence of regulatory control due to concerns about the perception of any action.
- 3.2 The Local Authority Cemeteries Order 1977 requires Local Authorities to set out the management arrangements for the proper maintenance and upkeep of cemeteries, and places sole responsibility for acceptable cemetery standards with the Local Authority. The lack of regulatory implementation to date has resulted in operational difficulties for cemetery staff and clients, adversely affecting the appearance and feel of open cemeteries and in some cases, has created risks to cemetery visitors for which the Authority is responsible.
- 3.2 In October 2021, the updated Regulations were formally adopted however as the work has progressed, further updates to Regulations are now required which address more specific detail.

4. Cemetery and Crematorium Regulations Amendments

- 4.1.1 A copy of the updated Cemetery and Crematorium Regulations is attached at Appendix 1.

4.1.2 Regulations Amendments:

- i) Minimum and maximum sizes of permitted memorial stones on Baby Grave sections. (Section 2.6)
- ii) Interment arrangements for adult ashes in child graves. (Section 2.5)
- iii) Grave ownership dispute responsibilities on Exclusive Rights of Burial transfer requests. (Section 8.6)
- iv) Process for allocation of graves. (Section 9.1 & 9.19)
- v) Funeral Director responsibilities for Health & Safety during burials. (Section 9.12)
- vi) Memorial Safety testing arrangements. (Section 13)
- vi) Memorial availability, in pre-identified locations only. (Section 18.3)
- vii) Reduction in permitted number of cremated remains in a cremated remains burial plot from three to two. (Section 4.2)

4.2 Regulation Application

- 4.2.1 As outlined in the June 2021 report, enforcement of the service Regulations is essential to the development of high standards in all areas of bereavement, and specifically the cemeteries. The lack of regulation in cemeteries in previous years has resulted in many existing graves becoming inaccessible, pre-purchased graves becoming unusable and access to some areas and individual graves, dangerous. Many families have installed unsafe decorations or grave enclosures to graves on lawned sections, often outside of the grave boundaries, with unsuitable surrounds made from wood, wire, stone chippings, faux grass, soft stone garden edging and iron railings.
- 4.2.2 The presence of unsuitable items on cemetery lawn sections causes difficulty in maintenance, affecting the appearance of the cemetery, and increasing the possibility of accidental damage to personal items by maintenance teams due to the unsuitable nature of the surround. In many cases, the items left on graves or the size, construction or material used to create the grave enclosure, poses a risk of harm or injury to cemetery visitors, operatives undertaking maintenance work, and funeral parties attending for burials for which the Council assume liability in accordance with the Local Authority Cemeteries Order 1977. Additionally, the recent reduction in chemical weed control has resulted in increased use of mechanical maintenance equipment in close proximity to individual graves and therefore the need for suitable grave enclosures is further increased for staff safety and to further minimise the risk of damage to personal items.
- 4.2.3 Lawn sections were introduced into cemeteries to provide an uncluttered cemetery section that can be maintained to a high standard, enabling opportunities to families wishing to own Exclusive Rights of Burial to pre-purchase graves, whilst preserving ease of access to future burials. Regulations reflected the purchase condition of graves on lawn sections at this time, although never imposed, and breaches left unchallenged created a precedent which has been followed creating the maintenance and access issues.

- 4.2.4 In acknowledgement of the desire to personalise grave spaces and the reduced availability of graves in traditional cemetery sections which allow grave enclosures, in circa 2004, half grave enclosures on lawn sections were permitted by application. Conditions included the requirement that enclosures must follow formal installation and material requirements according to NAMM (National Association of Memorial Masons) and with approved safe installation methods. NAMM approved grave enclosures provided a personalisation area to each grave, and when installed in a safe and robust manner, enable maintenance without risk of damage to potentially fragile grave ornaments. The permitted enclosures were restricted to half the grave length of 5 foot, to enable mechanical access to surrounding graves for future interments.
- 4.2.5 Grave enclosures will continue to be authorised by application on all current lawn sections in the updated Regulations. Grave owners with unauthorised memorials and grave enclosures will be advised to install formal surrounds should they wish to continue to personalise grave spaces in these areas. Items outside of approved enclosures will require removal.
- 4.2.6 Grave purchases on future lawn sections will not permit the enclosure of graves. Grave purchasers will be advised upon purchase and offered alternative locations should they wish to enclose the grave at any point in the future.
- 4.2.7 As outlined in the June 2021 report, management of the Regulations will be handled with care and respect. Advance notice of regulatory implementation will be displayed from July 2022 in all affected sections, providing notice to grave owners of requirement to remove unauthorised items by 30th September 2022. Formal enforcement will follow the Council's enforcement concordat and will attempt to work with the families concerned, however in circumstances where action is required, the Council must be prepared to remove items to instil the requirements of the Regulations. Management may be challenging in some historic sections and negotiations will be required with the owners of some burial plots to bring plots to the required standard, avoiding unnecessary hurt or upset as a result.
- 4.2.8 The Cemetery and Crematorium Regulations have not been properly enforced, possibly due to concerns about negative impacts on bereaved families during difficult times, however the impact of the hesitancy to enforce has led to operational difficulties in the current service provision and safety concerns. Alternative options are available to families wishing to personalise graves. Enforcement of the Regulations will be subject to annual review.

5. Memorial Benches

- 5.1 Current memorial bench sales are offered on a sponsorship term of 5 or 10 years. The bench remains the property and in the ownership of Sunderland City Council at all times. Sponsorship terms were introduced in 2000.
- 5.2 Records for benches sold prior to 2000 are limited and without detail of the terms and conditions of sale. Findings from the preparation for introduction of agreed changes has shown many purchasers believe the bench to be sold in perpetuity, whilst many other purchasers are uncontactable.

- 5.3 As part of the review of memorial availability, benches sold more than 20 years previously are to be removed and replaced with new benches, which may be offered as new sponsorship opportunities for 10 years. The existing benches will be stored for 12 months and provided to the original purchasers upon request.
- 5.4 The current memorialisation offer is limited and restricted by location and availability. The management of historic sponsorships brings equity and enables a turnover in memorial availability in popular locations. The proposal to remove memorial benches over 20 years old will provide a consistent approach to memorial sponsorship, resolve misinterpretation in the terms of original sale and enable a turn-over of products in popular locations, such as the seafront, allowing memorial sponsorship opportunities to a wider number of residents, which is otherwise unavailable due to the high number of early sales. The option exists not to implement the management arrangements of historic memorial benches but this would not resolve the demand issues in seafront locations and will result in future issues as benches are removed as part of any replacement programme.

6. Bereavement Support

- 6.1 Traditionally Sunderland City Council has offered burial and cremation services whilst signposting bereaved support services to volunteer groups and specific organisations intended to provide services to families and individuals in need as a result of a bereavement.
- 6.2 As part of an extended offer to bereaved families, the Bereavement Services intends to host up to 6 'Memorial Days' annually at Sunderland Crematorium to provide opportunities to lay floral tributes on key days, Mothering Sunday, Father's Day, Christmas etc at the crematorium, to talk to staff about any questions that they may have, sit in the open chapel and reflect or lay floral tributes within the Garden of Remembrance.
- 6.3 Furthermore, the service seeks to partner with a bereavement support charity or organisation such as 'Good Grief', 'At a Loss' or 'Compassionate Friends' to explore the possibility to open the waiting room areas at Sunderland Crematorium as a 'pop up café' during Memorial Days, to provide visitors with the opportunity to access support in a relaxed atmosphere or to talk about their experiences to help their bereavement process.
- 6.4 The extension of services provided at Sunderland Crematorium to include Memorial Days is proposed to enhance access to bereavement support to residents and expand on the current remembrance offer of The Hall and Garden of Remembrance due to high demand at key dates throughout the year.
As a significant service enhancement which offers additional opportunities for residents which is not offered by any other authority in the Northeast, delivered at minimal cost.

7. Memorial Safety Testing

- 7.1 Responsibility for monitoring individual memorial safety lies with the burial authority, which must demonstrate by assessment, the risk posed by each memorial within all cemeteries at least once every 5 years, and more frequently where the memorial requires as much, according to Ministry of Justice guidance on memorial safety.

- 7.2 To fulfil the Authorities' responsibilities in this respect, recruitment to relevant roles has concluded, and relevant policy and safe working practices written and implemented.
- 7.3 An initial broad assessment of all cemeteries has been completed, resulting in all 10 open and 26 closed cemeteries containing high risk memorials which will require manual testing and individual assessment. Where remedial works are required to make safe, the work must be undertaken with haste and as such, the Council should be prepared to undertake the work on behalf of, and at the request of the family and liaise with a memorial mason directly to undertake the work. Charges for this service should be applied where possible, although owners for older memorials may not be contactable and funding for remedial and/or safety works will be required. At this stage it is not possible to quantify the funding as this is dependent firstly on the assessment of condition, and then on the ability to trace the responsible owner. Once a better estimate is available this will be considered as part of existing resources or through the financial planning process.

8 Cemetery Improvement Boards

- 8.1 As proposed in the earlier report, Area based Cemetery Improvement Boards have now been established. Board meetings occur on a bi-monthly basis with attendance from Ward Members and the Bereavement Services Manager with an invitation to attend meetings extended to relevant departmental service managers where the specific agenda items require it.
- 8.2 The agreed improvements are detailed in an individual Action Plan for each cemetery and the priority against each element is agreed. Memorial safety testing and regulatory enforcement of unauthorised grave enclosures has been identified as a priority and a caveat to the progress on other improvements.

9 Reasons for the Decision

- 9.1 The services offered by Bereavement Services have been in a process of review and improvement for 18 months. The implementation of the further service improvements and Regulation changes will further enhance the services available.

10. Alternative Options

- 10.1 The option not to amend the Cemetery and Crematorium Regulations has been considered and rejected, as the proposed amendments respond to regulatory requirements and the effective running and maintenance of facilities in meeting health and safety requirements. The amendments provide necessary detail to the existing policy to support service delivery and as such no alternative options are proposed.
- 10.2 Consideration has been given not to manage historic regulatory breaches and this option has been rejected as the management of both ongoing and historic regulatory breaches is required to support the terms of the existing policy and prevent future service issues specifically in cemeteries. No alternative options are recommended

- 10.3 The option not to implement management for historic memorial items has been considered and rejected. A single management process for all memorials is required to provide a consistent approach to all memorial sponsorship, resolving any misinterpretation in the terms of original sale. The option exists not to implement the management arrangements of historic memorial benches however this would not resolve the demand issues in seafront locations and will result in future issues as benches are removed as part of any routine replacement programme.
- 10.4 The option not to expand the Bereavement Services to include Memorial Days and bereavement support has been rejected. As a service enhancement which offers additional opportunities for residents as well as support to the bereaved is not offered by any other authority in the Northeast and can be delivered at minimal cost

11. Impact Analysis

- 11.1 **Equalities** – An Equality Impact Analysis has been completed and is attached at Appendix 2.
- 11.2 **Sustainability** – The recommendations will lead to an increase in the standards of maintenance across the department, a greater range of customer choice, and an overall improvement to service delivery in all areas of Bereavement Service. Furthermore, the decision on policy are a statutory duty and required by all burial Authorities.

12. Other Relevant Considerations / Consultations

12.1 Financial implications

There are additional costs of approximately £20,000 associated with memorial safety testing where it is not possible to recover the costs of work from the memorial owner. This additional cost will be funded from existing budget provision. The other proposals set out in the report will generate additional income, although most is voluntary, which will support ongoing service delivery.

- 12.2 **Legal Implications** – The Council may receive enquiries concerning the original term of sale for memorial benches. It is therefore proposed that individual cases are reviewed accordingly.

13.0 List of Appendices

Appendix 1 – Cemetery and Crematorium Regulations

Appendix 2 – Impact Analysis