

Cabinet – 21 March 2018

Burial and Cremation Charges for Children

Portfolio: Councillor Shires, Community, leisure and culture

Related portfolios: N/A

Service: Bereavement and Registration

Wards: All

Key decision: No

Forward plan: No

1. Summary

- 1.1 A campaign by a Welsh MP has caused local authorities to consider their fees in relation to the death of a child.
- 1.2 Walsall Council has traditionally charged a fee for the burial and cremation of children under the age of 16. The council is not alone in doing this.
- 1.3 Other British local authorities are beginning to reconsider these charges in light of the campaign mentioned at 1.1. Wolverhampton do not currently levy a fee and Birmingham are to remove their fee from April 2018. The Welsh Government recently signed a Memorandum of Understanding with local government to stop charging for the burial of children.
- 1.4 In view of the decision of the Welsh Government, Cabinet is asked whether it wishes to make any amendments to the burial and/or cremation fee structure for children under the age of 16.

2. Recommendations

- 2.1 That the fee for the burial of a child less than 16 years of age in a dedicated baby section or in a single depth grave is removed,
- 2.2 That the current Exclusive Right of Burial (EROB) fee is charged when a request is made to have a child of less than 16 years of age buried in a multiple depth grave to allow later family interments,
- 2.3 That the fee for the cremation of a child less than 16 years of age is removed,
- 2.4 That these changes are implemented from 1 April 2018.

3 Report detail

- 3.1 In November last year the Welsh Government signed a Memorandum of Understanding with local government to stop charging for the burial of children which, it suggested, made a clear, fair and consistent approach across Wales.
- 3.2 In addition, to support local authorities in making this step, the Welsh Government intends to make up to £1.5m available between now and 2020. As it stands Parliament has made no such commitment for any English local authorities who may be considering similar action.
- 3.3 In announcing this move the Welsh First Minister stated that “We must do all we can to support families who have lost a child. I am pleased we are able to work with local authorities to take away just one of the stresses and strains on the shoulders of grieving parents during a hugely distressing time.”
- 3.4 The Welsh Local Government Association Leader also said that “Local government is very pleased to be able to help support families who are going through the most difficult period in their lives. Losing a child is a harrowing experience and a trauma that will stay with families throughout their lives. We are pleased to be working with Welsh Government to ensure that there is fairness and consistency in this regard in all areas of Wales.”
- 3.5 The Prime Minister asked the Ministry of Justice for a briefing on this matter. Their conclusion was that it is the responsibility of each local authority to decide how much to charge or to not charge.
- 3.6 Walsall Council currently has a range of fees relating to the death of a child. The sensitivity of losing a child is a very emotive subject. Accordingly the fees are substantially less than those charged following the death of an adult. However, in light of the recent attention to this aspect, questions have been raised as to whether any fee should be charged at all.
- 3.7 The current fees relating to the burial of a child are as follows:

Burial	
Interment of a baby in Babies Memorial Garden (BMG)	£168
Interment of a child over 6 months and under the age of 16 years	£370
Exclusive Right of Burial (EROB) for a Babies Grave	£392
NB: the fees above are doubled where the applicant and deceased both live/lived outside of the borough. These cases are rare.	

- 3.8 Please note that bereaved families are not required to purchase the EROB. A burial can take place without this however the family will not be permitted to erect any permanent memorial on the child’s grave without doing so.

3.9 The current fees relating to the cremation of a child are as follows:

Cremation	
For the cremation of a baby arranged by Walsall Manor Hospital	£57
For the cremation of a stillborn child /baby under 6 months	£80
For the cremation of a child over 6 months and under 16 years of age	£291

3.10 The position of our neighbouring local authorities regarding charging for burials and cremations of children is as follows:

Birmingham CC	Currently charge but are removing with effect from 1 April 2018.
Dudley MBC	Charges apply after 1 month of age.
Sandwell MBC	Charges apply.
Wolverhampton CC	Free of charge.

3.11 The following table shows the number of children that were buried and cremated by Walsall Council in 2015/16 and 2016/17.

Details		Hospital	Non-hospital	Total
2015/16				
Burial	Babies interment fee in Babies Memorial Garden – including stillborn	41	24	65
	Child interment over 6 months and under 16 years of age	0	3	3
	EROB for babies grave	0	20	20
Cremation	Babies from Walsall Manor	154	0	154
	Stillborn baby & baby up to 6 months	9	6	15
	Child over 6 months and under 16 years of age	0	1	1
Overall total:		204	54	258
2016/17				
Burial	Babies interment fee in BMG – including stillborn	23	33	56
	Child interment over 6 months and under the age of 16 years	0	3	3
	EROB for babies grave	0	37	37
Cremation	Babies from Walsall Manor	65	23	88
	Stillborn baby & baby up to 6 months	11	6	17
	Child over 6 months and under 16 years of age	0	3	3
Overall total:		99	105	204

3.12 Using the figures listed in the table at 3.11 and the current fees this equates to the following income:

Details		Hospital	Non-hospital	Total
2015/16				
Burial	Babies interment fee in BMG – including stillborn	£6,888	£4,032	£10,920
	Child interment over 6 months and under 16 years of age	£0	£1,110	£1,110
	EROB for babies grave	£0	£7,840	£7,840
Cremation	Babies from Walsall Manor	£8,778	£0	£8,778
	Stillborn baby & baby up to 6 months	£720	£480	£1,200
	Child over 6 months and under 16 years of age	£0	£291	£291
Overall total:		£16,386	£13,753	£30,139
2016/17				
Burial	Babies interment fee in BMG – including stillborn	£3,864	£5,544	£9,408
	Child interment over 6 months and under 16 years of age	£0	£1,110	£1,110
	EROB for babies grave	£0	£14,504	£14,504
Cremation	Babies from Walsall Manor	£3,605	£1,311	£5,016
	Stillborn baby & baby up to 6 months	£880	£480	£1,360
	Child over 6 months and under 16 years of age	£0	£873	£873
Overall total:		£8,449	£23,822	£32,271

3.13 So far in this financial year, 2017/18, the corresponding income is £23.4k.

3.14 As can be seen from the table at 3.12 a significant proportion of income can come from Walsall Manor Hospital – effectively it is being paid to the council as income from another public body rather than from a bereaved family. Walsall Council is not unique to have income from a hospital but the proportion may differ to that of other local authorities because Walsall Manor Hospital has a major maternity unit. If the proposals shown at 2.1 and 2.3 are upheld and the burial and cremation fees for children are removed Walsall Manor Hospital would make a saving at Walsall Council's and local tax payers' expense. Any reduction in the fees would have to be equitable between Walsall Manor Hospital and bereaved families. Simon Neilson, Executive Director for

Economy and Environment, is currently discussing this matter with the relevant Director at Walsall NHS Trust.

3.15 The tables also illustrate the amount of times an Exclusive Right of Burial (EROB) is sold for the interment of children. There is a separate optional fee to the burial charge. As stated at 3.8 the purchase of the EROB permits the grave rights owner to apply to the council for permission to place a permanent memorial. Purchasing the EROB gives the right of burial in a grave space for 100 years and not the purchase of the land itself.

3.16 Ordinarily children are buried in a single depth grave. The proposal at 2.2 allows for the EROB for this type of grave to be provided at no charge to the bereaved family. However there are occasions when a request is made to have a child of less than 16 years of age buried in a multiple depth grave to allow later family interments. In these situations the current EROB fee should be charged as the EROB allows the rights owner to arrange further interments in the grave.

4 Council Corporate Plan priorities

4.1 The Council Corporate Plan 2018-2021 priorities are themed into 5 broad areas as follows:

- Economic growth for all people, communities and businesses.
- People have increased independence, improved health and can positively contribute to their communities.
- Internal focus all Council Services are efficient.
- Children have the best possible start and are safe from harm, happy, healthy and learning well.
- Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion.

4.2 The burial and cremation facilities the council offers which are dedicated for children make a positive difference to the lives of Walsall people.

4.3 If the proposals shown at 2.1 and 2.3 are upheld the level of stress that all bereaved families face following the death of a child will be reduced.

5 Risk management

5.1 None.

6 Financial implications

6.1 Changing the current charging system, i.e. upholding both of the proposals shown at 2.1 and 2.3, will result in a full year income shortfall of approximately £32k (although the value varies year on year as the service is demand led - see table at 3.12). This is not a cost that can be absorbed by the service as the existing budget is already cash limited.

- 6.2 On 1 January 2018, in line with the Corporate Budget Plan 2016/17 – 2019/20, all discretionary fees within Bereavement and Registration Services, which include burials and cremations of children, were increased by 6%.
- 6.3 On 28 February 2018 the council's budget estimates for the forthcoming financial year, 2018/19, were approved by full Council. The estimate for Bereavement and Registration Services included the anticipated income from the burial and cremation of children. Accordingly consideration should be given to realigning the resultant loss of service income from the council's central reserves at the end of the forthcoming financial year, 2018/19.
- 6.4 A 1% increase can be expected to provide approximately £30k income based on the anticipated take up of the services offered. Going forward Cabinet may wish to inflate the proposed 6% increase in all Bereavement and Registration Services discretionary fees (as prescribed in the Corporate Budget Plan 2016/17 – 2019/20) by an additional 1%, i.e. increase the discretionary fees by 7%, to offset the anticipated loss of income.
- 6.5 Alternatively, Cabinet may wish to elect to reduce the Bereavement and Registration Services income target by £32k as part of future budgetary projections but noting that at the time of this report there is no identified budget in the current Mid Term Financial Outlook to offset an income reduction.

7. Legal implications

- 7.1 The Local Authorities Cemeteries Order 1977 empowers a burial authority to charge such fees as they think proper for, or connection with, burials in a cemetery.
- 7.2 By virtue of Section 9 of the Cremation Act 1902, a burial authority may demand payment of charges and fees for cremating human remains in any crematorium provided by them.

8. Procurement implications/Social Value

- 8.1 None.

9. Property implications

- 9.1 None.

10. Health and wellbeing implications

- 10.1 None.

11. Staffing implications

- 11.1 None.

12. Reducing inequalities

12.1 None.

13. Consultation

13.1 Consultation has been undertaken with the council's Legal Services, Finance, Communications and Equalities.

Background papers

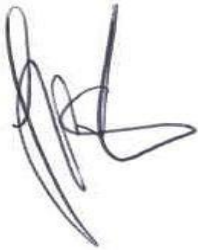
None.

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Simon Neilson
Executive Director

8 March 2018



Councillor Shires
Portfolio holder

8 March 2018