

REPORT TO CABINET

28 August 2019

Subject:	Burial and cremation fees for under 18's following the introduction of Children's Funeral Fund in England.
Presenting Cabinet Member:	Cabinet Member for Resources & Core Services Councillor Wasim Ali
Director:	Director – Law and Governance Surjit Tour
Contribution towards Vision 2030:	
Key Decision:	Yes
Cabinet Member Approval and Date:	Yes
Director Approval:	Yes
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
Ward Councillor (s) Consulted (if applicable):	This report affects the whole borough
Scrutiny Consultation Considered?	Scrutiny consultation has not been undertaken
Contact Officer(s):	Mark Satchwell Service Manager – Registration Mark_Satchwell@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Cabinet:

1. Consider the impact of the Children's Funeral Fund in England for all bereaved families so they no longer pay the fees charged for a cremation or burial of a child under the age of 18.
2. Authorise the Director - Law and Governance and Monitoring Officer to waive Registration related fees and charges for those bereaved families who unfortunately lose a child before the 24th week of pregnancy, who will not be eligible to access financial support from this fund.

1 PURPOSE OF THE REPORT

- 1.1 On 30th January 2019, Cabinet approved fees and charges for Registration related services as outlined in Appendix 1 of this report. These charges came into effect on 1st March 2019 for a period of 12 months.
- 1.2 On 1st July 2019, the government laid new regulations before parliament in respect of Children's Funeral Fund (CFF) for England for all bereaved parents, guardians or carers so they no longer pay the fees charged for a cremation or burial of a child under the age of 18.
- 1.3 From 23rd July 2019, fees and expenses are to be met instead by government funding with providers (burial/cremation authorities and funeral directors), in the main, claiming from the CFF the fees and expenses they would have otherwise charged to families.
- 1.4 To be eligible for the CFF, a child must be under 18 at the time of death or stillborn after the 24th week of pregnancy, and the burial or cremation must take place in England. The fund is available regardless of a family's income.
- 1.5 The scheme therefore does not make funding provision for those bereaved families who unfortunately lose their baby before the 24th week of pregnancy(NVF).
- 1.6 It is therefore proposed that going forward, the fees and charges associated with cremation and burial that would normally apply are waived, so these families will also have nothing further to pay.

2 IMPLICATION FOR VISION 2030

- 2.1 It will support our ambition in Sandwell to focus on what matters in people's lives.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Following a campaign spearheaded by Carolyn Harris MP who unfortunately lost her son at a young age, the government laid new regulations before parliament in respect of Children's Funeral Fund (CFF) for England for all bereaved parents, guardians or carers so they no longer pay the fees charged for a cremation or burial of a child under the age of 18.
- 3.2 The CFF has been developed on the basis that, wherever possible, providers will apply to the scheme for reimbursement, making provision free for bereaved families at the point of need.
- 3.3 The scheme that came into effect on 23rd July 2019, is not means-tested and all parents who want to make use of it will be able to do so.
- 3.4 Burial authorities and cremation authorities and funeral directors will be able to apply to the CFF on GOV.UK. All providers of burial and cremation services - local authority, private, and faith-based providers - will be eligible for CFF provision, as defined in the scheme.
- 3.5 Parents who choose not to use a funeral director will be able to submit a claim directly for the expenses a funeral director would normally handle.
- 3.6 The only conditions for the scheme are that the child is under 18 at the time of death or is stillborn after the 24th week of pregnancy, and that the burial or cremation takes place in England. There are no residency or nationality requirements.
- 3.7 The scheme therefor does not account for those bereaved families who unfortunately may have lost a baby before the 24th week of pregnancy.
- 3.8 For the financial year 2018/2019, the number of bereaved families who unfortunately lost a baby before the 24th week of pregnancy and chose cremation or burial at one of Sandwell's Cemeteries or Crematoria was 82.

4 THE CURRENT POSITION

4.1 On 30th January 2019, Cabinet approved fees and charges for Registration related services as outlined in Appendix 1 of this report. These charges came into effect on 1st March 2019 for a period of 12 months.

4.2 These charges include cremation and burial fees for those families who may have lost a child under the age of 18.

4.3 Both the Welsh Government and the Scottish Government have established schemes, under devolved powers, to make financial support available to providers of burial and cremation for children.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 The government developed the scheme with the support of key stakeholders.

5.2 The issue of fees and charges associated with cremation and burial for those under 18 has been discussed regularly with local Funeral Directors who support the introduction of the new scheme for bereaved families.

6 ALTERNATIVE OPTIONS

6.1 Cremation and burial fees and charges could continue to be applied for those families may have lost a baby before the 24th week of pregnancy.

6.2 By doing so this approach may be considered insensitive to the impact the loss of a baby has on those families.

6.3 This alternative approach would not support Sandwell's vision of focusing on what matters in people's lives.

7 STRATEGIC RESOURCE IMPLICATIONS

7.1 Burial authorities and cremation authorities are able to apply to the CFF on GOV.UK and recover costs where bereaved families are eligible for CFF provision, as defined in the scheme.

7.2 For the financial year 2018/2019, the number of families who lost a baby before the 24th week of pregnancy(NVF) and who chose cremation or burial at one of Sandwell's cemeteries or crematoria and going forward would therefore not be eligible for CFF provision was 82.

7.3 The current fees and charges associated with cremation and burial of NVF which are to be waived are as follows:

Cremation		Burial	
NVF	£64	Interment fee	£107
		Exclusive right of burial on baby section only.	£215

7.4 The income derived from the provision of these services in 2018/2019 was approximately £7,400.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 The Council is permitted to charge fees relating to Registration Services by virtue of the Cremation Act 1902, the Cremation Regulations 2016, the Local Authorities Cemeteries Order 1977 and the Local Government Act 2003.

8.2 The new regulations were laid in Parliament on 1st July 2019, with the CFF scheme coming into effect on 23rd July 2019.

9 EQUALITY IMPACT ASSESSMENT

9.1 EIA not undertaken as fees apply to all community groups.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 There are no data protection implications associated with this report.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 There are no crime and disorder risks arising from the proposals.

12 SUSTAINABILITY OF PROPOSALS

12.1 Whilst there is a modest impact on income derived from the aforementioned services, this will be more than offset by the practical support and positive social impact to bereaved parents arising from their child's burial or cremation who may not be eligible for funding through the CFF scheme.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 There are no health and wellbeing implications associated within this report.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 The proposals within this report have no impact on Council managed property and land.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The CFF schemes objective is to provide practical support to bereaved parents with the fees arising from their child's burial or cremation.

15.2 It does not however account for those bereaved families who may not be eligible, but who too experience significant loss in a similar way.

15.3 By waiving cremation and burial fees for those families, the Council will ensure a more equitable approach to the bereavement related services can continue to be achieved.

16 BACKGROUND PAPERS

16.1 None

17 APPENDICES:

Appendix 1 - Registration related fees and charges 2019/2020.

Surjit Tour

Director – Law and Governance and Monitoring Officer