

Item: 8

Development and Infrastructure Committee: 13 November 2018.

Burial Ground Charges.

Report by Executive Director of Development and Infrastructure.

1. Purpose of Report

To consider removal of burial charges for children under 18 years old.

2. Recommendations

The Committee is invited to note:

2.1.

That most local authorities in Scotland have no charge policies in place for child burials and cremations.

2.2.

The Council's burial ground charges, as detailed in section 3.2 of this report.

2.3.

That the Convention of Scottish Local Authorities and the Scottish Government have made a joint commitment to remove local authority fees in respect of burials and cremation of children under 18 years old, as detailed in section 4 of this report.

It is recommended:

2.4.

That burial charges be waived for children under 18 years old, in accordance with the joint commitment made by COSLA and the Scottish Government.

3. Background

3.1.

While most local authorities already have no charge policies in place for child burials and cremations, there is a mixed picture across Scotland in terms of the age at which adult burial and cremation fees begin to be levied.

3.2.

Orkney Islands Council's burial ground charges for 2018 to 2019 are as follows:

- Reservation of a lair - £605.
- Excavation of a grave - £553.
- Excavation of a grave for a casket - £160.
- Excavation of a grave for an infant/child up to 16 years old – Nil.

3.3.

Although all excavation charges are currently waived for burials of children up to 16 years old, the reservation of a lair charge applies to all age groups. Therefore, there would be a reservation and excavation charge for the burial of a 17 year old under the current system.

3.4.

Historically the Council undertakes a small number of child burials per year. The table below shows the number of burials of children under the age of 18 from 1 January 2008 to 30 September 2018.

Date	No. of Burials of children under 18 years old
2009	3 burials
2012	2 burials
2015	2 burials
2016	1 burial
Total burials in 10 years	8 burials

4. Commitment to Remove Fees

4.1.

COSLA and the Scottish Government have made a joint commitment to remove local authority fees for burials and cremations for children under 18 years old. This was agreed through the COSLA Leaders meeting in May 2018.

4.2.

COSLA officers have provided clarity to local authority contacts, Chief Executives and Directors on the detail of the agreement, including the funding which Scottish Government is providing, as detailed in section 7.1 of this report, and an expectation that local policy and practice changes will be implemented by October 2018.

4.3.

Orkney falls into the category of not formally ratifying changes by October, and COSLA asks that local authorities, such as Orkney, implement the principles of the agreement on a case by case basis in the interim period to ensure that bereaved

parents receive support from this agreement as swiftly as possible to obtain consistency throughout Scotland.

4.4.

It is proposed that all burial charges should be waived for children under 18 years old. A policy or guidelines should be put in place so that any future interments in a child's lair would be for children only.

5. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 1 to this report.

6. Corporate Governance

This report relates to the Council addressing a national commitment and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

7.1.

Financial support of £310,000 per annum to Scottish local authorities has been agreed with COSLA leaders. The distribution to local authorities will be determined by the population of 0 to 18 year olds in each local authority area. This was agreed at the Settlement and Distribution Group (SDG) meeting between the Scottish Government and COSLA. Orkney has approximately 0.4% of Scotland's population for this age category which equates to a distribution of £1,200 per annum for Orkney.

7.2.

Based on the information set out in Section 3 to this report, the additional funding would be sufficient to offset the full charges at £1,158 for 1 burial per annum. As such, the recommendations to this report are considered to be cost neutral.

8. Legal Aspects

There are no legal implications directly arising from the recommendation of this report. If the recommendation is not agreed, there may be legal implications arising from the Council's participation in COSLA.

9. Contact Officers

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Darren Richardson, Head of Infrastructure and Strategic Projects, extension 2310,
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10. Appendix

Appendix 1: Equality Impact Assessment.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	To seek a formal policy approach on burial and cremation fees for children under 18 years old.
Service / service area responsible.	Development and Infrastructure/ Burial Grounds.
Name of person carrying out the assessment and contact details.	Alan Cuthbertson
Date of assessment.	17/10/18
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Existing but significantly changed.

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To ensure burial charges for under 18 years old are nil.
Is the function / policy / plan strategically important?	No.
State who is, or may be affected by this function / policy / plan, and how.	Families and carers of young people under the age of 18 in Orkney.
How have stakeholders been involved in the development of this function / policy / plan?	Scottish Government/COSLA initiative.
Is there any existing data and / or research relating to	This proposal follows COSLA and Scottish Government joint agreement to remove local

<p>equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>authority fees for burial and cremation for children under 18 years old. This commitment was agreed through CoSLA Leaders meeting in May 2018.</p> <p>The agreement includes funding from Scottish Government and an expectation that local policy and practice changes will be implemented by October 2018.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>(Please complete this section for proposals relating to strategic decisions).</p> <p>Not applicable.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p> <p>The change to this policy will have a positive impact particularly for those families and carers of young people under the age of 18 and will provide consistency across Scotland in relation to burial arrangements for young people under the age of 18.</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No differential impact identified.</p>
<p>2. Sex: a man or a woman.</p>	<p>No differential impact identified.</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No differential impact identified.</p>
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	<p>No differential impact identified.</p>
<p>5. Pregnancy and maternity.</p>	<p>No differential impact identified. Provisions relating to stillborn</p>
<p>6. Age: people of different ages.</p>	<p>This change in policy relates specifically to those under the age of 18 and their families and carers and a positive impact has been identified due to the extension of the age limit to under 18 years.</p>

7. Religion or beliefs or none (atheists).	No differential impact identified.
8. Caring responsibilities.	This change in policy relates specifically to those under the age of 18 and their families and carers and a positive impact has been identified due to the extension of the age limit to under 18 years.
9. Care experienced.	No differential impact identified.
10. Marriage and Civil Partnerships.	No differential impact identified.
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health). No differential impact identified.
12. Socio-economic disadvantage.	This change in policy relates to removing certain fees for under 18 burials and therefore is likely to have a positive impact on those experiencing socio-economic disadvantage.

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	The analysis identifies differential impacts, but these are positive and do not need to be addressed.
How could you minimise or remove any potential negative impacts?	Not applicable.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	Local authorities are required to return annual statistics relating to under 18 burials, how much funding has been distributed to private providers where applicable.
Who will undertake it?	Development and Infrastructure.
When will it be done?	Annually.
How will it be monitored? (e.g. through service plans).	Development and Infrastructure systems and processes.

Signature: [REDACTED] [REDACTED] Date: 17/10/18

Name: ALAN CUTHBERTSON (BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk