

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 20 OCTOBER 2016
 title: EXHUMATION POLICY
 submitted by: MARSHAL SCOTT - CHIEF EXECUTIVE
 principal author: HEATHER COAR - HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 This report outlines the policy and procedures to deal with exhumations of bodies.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } The Council aims to be a well-managed authority.
These proposals support this objective.
- Other Considerations - }

2 BACKGROUND

2.1 Exhumations are generally rare and tend to be traumatic for the families involved. They can take a long time to arrange and are usually expensive.

2.2 Exhumations in simple terms means the removal from the ground of a body or cremated human remains.

2.3 There are many applications per year to exhume human remains for varying reasons. These can be for personal family reasons to mass exhumations for development. To protect human remains there is a requirement for an exhumation licence to be issued before exhumation can take place. There are two types of licence available for exhumations:

- A Bishop faculty.
- Home Office licence.

Normally there is a requirement for one or the other although there are certain circumstances that may require both.

2.4 Within burial grounds the land is consecrated or unconsecrated. The term consecrated means dedicated to the service of God according to the rights of the Church of England. A Bishop of the Church of England carries out consecration of land.

2.5 The type of ground from which remains are to be exhumed and also where they are going to be exhumed to determines the exhumation licence that is required.

2.6 If human remains are to be exhumed from a grave and consecrated ground to be reinterred to consecrated ground in another burial ground, this would require a Bishops Faculty.

- 2.7 Under certain circumstances, remains are being removed from consecrated ground to be reinterred in the same consecrated grave plot or unconsecrated ground. In these circumstances, both a Bishops Faculty and a Home Office licence are required.
- 2.8 If an exhumation is carried out from unconsecrated ground to either unconsecrated/consecrated ground, a Home Office licence is needed. A Bishops Faculty can be obtained by application to the Church of England Diocese for the area where the deceased is interned.
- 2.9 Normally a specialised excavation firm will carry out the removal of the remains. They are generally carried out early in the morning and an Environmental Health Officer from the authority will be in attendance with a funeral director. The purpose of an Environmental Health Officer on site is to ensure that:
- The correct grave is opened;
 - Exhumation commences as early as possible in the morning to ensure maximum privacy;
 - The plot is screened as appropriate for privacy;
 - Health and safety of all workers is maintained eg protective clothing including masks, gloves, cask lights and other necessary equipment;
 - Everyone present shows respect to the deceased person and the adjoining graves;
 - The name plate on the casket corresponds to that on the licence;
 - The new casket has been approved by the Environmental Health Officer;
 - All human remains and all the pieces are placed in the new casket;
 - The new casket is properly sealed;
 - The area of exhumation is properly disinfected;
 - Satisfactory arrangements are in place for the onward transmission of the remains.
- 2.10 If the conditions of the licence cannot be met or there are public health or decency concerns, the exhumation will not proceed.
- 2.11 The current law relating to the removal of individual buried human remains is contained in Section 25 of the Burial Act 1957, which states that it is not lawful to remove any body or the remains of any body which has been interned in a place of burial without a licence from the Secretary of State or, in certain circumstances, the Church of England.
- 2.12 On 1 January 2015, Section 25 of the Burial Act 1957 was amended to simplify exhumation procedures in a small number of cases involving consecrated ground. From this date there is only need for approval from either the Secretary of State or the Church of England depending on the current location of the remains.

3 ISSUES

- 3.1 Unless a grave in which the deceased is buried is in ground consecrated according to the rights of the Church of England and is to be reburied in consecrated ground, any person who wishes to be exhumed, will need to apply to the Minister of Justice for an appropriate licence.
- 3.2 The Ministry of Justice receives over a 1000 licence applications each year. Each are considered on their own merits, but applications made from private families reasons on behalf of the next of kin's will, subject to any other circumstances are normally considered sympathetically.

- 3.3 There are circumstances however where exhumation is not necessary and the law makes provision for this, whether exhumation is sought by an individual or by the local authority. It is illegal to proceed with an exhumation without lawful authority. Even the act of opening a grave without removing any remains requires legal authority.
- 3.4 Application must normally be made by the next of kin of the deceased or with the written authority of the next of kin attached to the application. The registered owner of the grave if not the next of kin, must also give written permission for the exhumation to take place. If there is more than one grave registered owner, then all owners must give permission.
- 3.5 Expense of an exhumation can be substantial so the financial implications should be established from the outset. It is difficult to give precise details although there is no fee for the licence, costs include memorial removal costs, funeral director charges including the cost of new coffins and cemetery fees and charges for the exhumation and reinternment by the local authority.
- 3.6 The cost of the local authority's Environmental Health Officer attendance will be charged at an hourly rate at the cost of £37 per hour.
- 3.7 Any other costs incurred by the Council in regard to an exhumation, in addition to Environmental Health Officer attendance, will be recovered in full from those requesting the exhumation.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – No significant implications.
 - Technical, Environmental and Legal – No significant implications.
 - Political – No significant implications.
 - Reputation – No significant implications.
 - Equality & Diversity – None.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Approve and adopt the Council's Exhumation Policy should an exhumation be requested within Ribble Valley.
- 5.2 Adopt the hourly rate for an EHO of £37 per hour and ability to recover any further costs incurred.

HEATHER COAR
HEAD OF ENVIRONMENTAL HEALTH SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Heather Coar, extension 4466.



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

EXHUMATION POLICY

EXHUMATION POLICY

Introduction

Exhumations are generally rare and tend to be traumatic for the family involved. They can take a long time to arrange and are usually sensitive. For this reason it is always best to consult with all the relatives before proceeding.

Exhumation of both buried and cremated remains generally require the Home Office licence.

The exhumation of the deceased is a high risk health and safety issue with hazards due to the excavation of work and potential risk of infectious disease.

Therefore, all exhumations will be carried out in accordance with Cemeteries and Cremations Management (Code of Safe Working Practices for Cemeteries) and the Health and Safety Executive Guidance on Controlling Risks of Infection at Work for Human Resources.

Exhumation will always be a last resort to the authority it will undertake. It will try to resolve issues by alternative methods and means before embarking upon an exhumation. However, where an exhumation is required, then the exhumation of the deceased will be undertaken with sensitivity, respect and dignity.

Reasons

Exhumations occur for a number of reasons, including:

- Movement from an original grave to a sequentially acquired plot in the same or other cemetery;
- Movement overseas to be buried alongside other family;
- Transfer from one cemetery scheduled for development of another;
- Court orders requiring further forensic evidence.

Requirements

It is an offence to exhume any human remains without first obtaining the necessary lawful commissions. A funeral director can help obtain such permission.

A licence must be obtained from the Home Office. Exhumation licences also contain certain permissions that must be observed. If the person is buried in consecrated grounds, permission from the church must also be obtained.

An Environmental Health Officer must be present at the exhumation of a body to ensure that there are no risks to public health. Occasionally, cadaver certificates are required in addition to exhumation licences.

Decency and Safety

An Environmental Health Officer will be present for all exhumations carried out in any cemetery under the control of Ribble Valley Borough Council. The Environmental Health Officer must be present to supervise the event to ensure that respect for the deceased person is maintained and that public health is protected.

The officers will also ensure:

- The correct grave is opened;
- Exhumation commences as early as possible in the morning to minimise privacy;
- The plot is screened as appropriate for safety;
- Health and safety of all workers is maintained, eg protective clothing, masks etc;
- Casket lights and all other necessary equipment are available;
- Everyone present shows due respect to the deceased person and to adjoining graves;
- The name plate on the casket corresponds with that on the licence;
- The new casket will be approved by the Environmental Health Officer;
- All human remains and all the pieces of casket are placed inside the new casket;
- The new casket sealed.
- The area of exhumation is properly disinfected and satisfactory arrangements are in place on the outward transmission of the remains.

If the condition of the licence cannot be met or there is public health or decency concerns, the exhumation will not proceed.

NOTE:

The Town Council does not have the right to grant an exhumation without consent from the Ministry of Justice.

Faculties for exhumation (whether of a body or of cremated remains) are not granted as a matter of course.

Concerned parties should give this careful consideration and take legal advice if they consider it appropriate.



Ribble Valley Borough Council

www.ribblevalley.gov.uk

RISK ASSESSMENT

Job Title(s): Neighbourhood Enforcement Officers / EHO's

Location: Various

Task Summary: Exhumations

Review date: June 2018

HAZARD	RISK	ASSESSMENT OF RISK	MANAGEMENT OF RISK
(Item, situation or substance with the potential to Cause Harm)	(The potential harm caused by the hazard)	Risk Level (see overleaf)	Action and Time scale (see overleaf)
1. Contact with body fluids, blood and contaminated soil	Micro-organisms may be present in both soil and body fluids	Moderate	Staff should where possible find out prior to exhumation the cause of death of the body being exhumed to determine if any highly infectious organism eg anthrax is likely to be present. Staff should avoid contact with contaminated soil and body fluids and waste having only a supervisory role at the site. PPE should be worn eg disposable overall. Safety shoes/wellington boots/respiratory masks of a suitable standard if the deceased person has died from a respiratory disease Surgical masks are not suitable/ gloves Good Personal Hygiene to be followed at site and afterwards. If hand wash facilities are not provided then alcohol hand gels may be used as an interim measure. All disposable overclothing should be treated as clinical waste. Staff should cover all cuts prior to attendance. Staff if possible should avoid use of pens at site
2. Exposure to chemicals used for	Dependent on nature of chemical used		

<p>sanitising soil and waste</p> <p>3. Slips trips and falls</p>	<p>Irritation to skin or airways</p> <p>Physical injury</p>	<p>Moderate</p> <p>Tolerable risk</p>	<p>Staff should determine prior to exhumation what chemical is being used to sanitise soil. A copy of data sheet should be obtained. Precautionary measures on data sheet to be followed Contact with chemical should be avoided .</p> <p>Staff to exercise caution. Due to poor light torches should be carried</p>
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Has the Risk Assessment been made available to all people involve in the work process?

Yes

Has the Risk Assessment been made available to the employee(s) representative(s)?

Yes

Is a copy of this form filed in the Health & Safety Directory?

No

Other Assessments required

Signed Assessor(s):

Print Name(s) & Title(s)

Date:

RISK RATING USING SCALES FROM BS8800

IS THE RISK?

	<i>SLIGHTLY HARMFUL</i>	<i>HARMFUL</i>	<i>EXTREMELY HARMFUL</i>
<i>HIGHLY UNLIKELY</i>	<i>TRIVIAL RISK</i>	<i>TOLERABLE RISK</i>	<i>MODERATE RISK</i>
<i>UNLIKELY</i>	<i>TOLERABLE RISK</i>	<i>MODERATE RISK</i>	<i>SUBSTANTIAL RISK</i>
<i>LIKELY</i>	<i>MODERATE RISK</i>	<i>SUBSTANTIAL RISK</i>	<i>INTOLERABLE RISK</i>

RISK RATING SYSTEM FROM BS8800

RISK LEVEL	ACTION AND TIMESCALE
<i>TRIVIAL</i>	No action required and no documentary record needs to be kept.
<i>TOLERABLE</i>	No additional controls are required. Consideration may be given to a more cost-effective solution or improvement that imposes no additional cost burden. Monitoring is required to ensure that the controls are maintained.
<i>MODERATE</i>	Efforts should be made to reduce the risk but the costs of prevention should be carefully measured and limited. Risk reduction measures should be implemented within a defined period. Where the moderate risk is associated with extremely harmful consequences, further assessment may be necessary to establish more precisely the likelihood of harm as a basis for determining the need for improved control measures.
<i>SUBSTANTIAL</i>	Work should not be started until the risk has been reduced. Considerable resources may be allocated to reduce the risk. Where the risk involves work in progress, urgent action should be taken.
<i>INTOLERABLE</i>	Work should not be started or continued until the risk has been reduced. If it is not possible to reduce risk even with unlimited resources, work has to remain prohibited.

NB Tolerable here means that risk has been reduced to the lowest level that is reasonable practicable.