



Impact Assessment

STEP A) Description of what is to be assessed and its relevance to equality

What is being assessed? Please tick ✓

Review of a service Staff restructure Decommissioning a service

Changing a policy ✓ Tendering for a new service A strategy or plan

Revision of the Council's Cemeteries Regulations, which were last revised in 1994 (hereinafter referred to as the 1994 Regulations), to bring them in line with current legislation, best practice and to meet, where reasonably practicable to do so, the requirements of our residents.

Who is accountable? E.g. Head of Service or Corporate Director

Steve Palmer, Deputy Director ICT, Highways & Business Services

Date assessment completed and approved by accountable person

Completed: March 2013 Approved:

Names and job titles of people carrying out the assessment

Mike Price, Civil Protection Manager

John Purcell, Bereavement Services Manager

A.1) What are the main aims and intended benefits of what you are assessing?

The Cemetery Regulations are the rules by which the Cemetery users must abide, or risk a range of enforcement options. The Regulations cover:

- expected behaviour of users (as legislated in the Local Authority Cemetery Order 1977);
- rules around the purchase of the right of burial and the right to erect a memorial; and

- details about applying for an interment.

Linked to the Regulations, although a separate document, are the Cemetery fees and charges list, although this is not subject to review as part of this process.

For clarity, the Cemetery Regulations do not cover the Crematorium processes and the Breakspear Crematorium site, which are governed by their own separate Regulations.

The aim of the review is to ensure the Regulations:

- Are clear and concise;
- Conform with the relevant legislation;
- Protect users of the cemeteries from antisocial and unacceptable behaviour; and
- Provide a range of interment options to meet the needs, where reasonably practicable, of our residents.

As much as anything, the proposed changes to the 1994 Regulations comprise reformatting and reordering of the existing content, to make the document more user-friendly and easy to understand. Where necessary, content will be added to provide clarity to some of the more ambiguous areas. Subject to the outcome of this equality impact assessment, further changes to the Regulations may be necessary.

Finally, the review of the 1994 Regulations has been endorsed and overseen by the Residents & Environmental Services Policy Overview Committee (RESPOC), who, as part of their scrutiny process, have invited a number of residents, cemetery managers from other boroughs and local funeral directors to comment on Hillingdon's cemeteries and their regulations.

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

The cemeteries service is primarily for use by Council residents. However, by payment of an additional fee, non-residents may also use the service.

The focus of this EIA is the impact to the residents of the London Borough of Hillingdon.

For statistical information, see overleaf (page 3)

The following is extracted from the Census 2011:

www.ons.gov.uk

All categories: Sex	Males	Females
Number	Number	Number
273,936	135,811	138,125
%	49.57763857	50.42236143

Religion	Christia n	No religion: Total	Muslim (Islam)	Hindu	Sikh	Religion not stated	Buddhis t	Jewish	Jain	Pagan	Ravidass ia	Spiritualis t
Number	%	%	%	%	%	%	%	%	%	%	%	%
273,936	49.2	17.0	10.6	8.0	6.7	6.4	0.9	0.6	0.2	0.1	0.1	0.1

Data from the Hillingdon Cemetery Office (April 2010 – Dec 2012):

Note – the separation of this data into Muslim and other is in part due to the way burial information is recorded and also as a result of the specific need of the Muslim faith to be buried separately to other faiths and denominations.

<u>Saturday Muslim Burials</u>	<u>Saturday Burials (other faiths)</u>
7/8/10	26/6/10
26/3/11	4/11/10
18/3/11	26/3/11
	9/4/11
	4/6/11
	2/7/11
	15/9/11
	1/10/11
	26/11/11
	26/6/12
<u>3</u>	<u>10</u>

Total number of burials (all faiths) over the same period = 1007

Total number (& percentage) of Muslim burials over the same period = 106 (or ~10.5%)

The average number of burials per month (Muslim section)

	Adults	Children
2010/11	2.3	1.9
2011/12	2.1	0.9
2012/13	1.9	0.2

Other sources of information used to gain an understanding of the cultural requirements for burials and cemeteries, include:

- A document titled “The Needs of Faith Communities in Major Emergencies: Some Guidelines”, available at
http://webarchive.nationalarchives.gov.uk/+/http://www.cabinetoffice.gov.uk/media/132745/faith_communities.pdf
- <http://en.wikipedia.org/wiki/Antyesti>
- <http://factsanddetails.com/world.php?itemid=1343&catid=55&subcatid=354>
- http://en.wikipedia.org/wiki/Christian_burial
- http://en.wikipedia.org/wiki/Funeral#Sikh_funerals
- http://en.wikipedia.org/wiki/Islamic_funeral
- <http://www.funeralwise.com/customs/sikh>
- <http://www.funeralwise.com/customs/islam>
- <http://www.funeralwise.com/customs/hindu>
- http://www.funeralwise.com/customs/christian_overview
- <http://www.bmj.com/content/309/6953/521>

A.3) Who are the stakeholders in this assessment and what is their interest in it?

Stakeholders	Interest
Residents/members of the public (predominantly Hillingdon Residents, but also any other cemetery service user or visitor)	All residents have the potential to have an interest in the services provided by and at Hillingdon's cemeteries. Bereavement is a very emotive subject and, as such, stress placed on the bereaved must not be exacerbated by our regulations, wherever reasonable to avoid.
Councillors	Since July 2012, the Residents and Environmental Services Policy Overview Committee (RESPOC) have been undertaking a review of the Cemeteries provision in Hillingdon. The report from this review, which includes a recommendation to update the 1994 Regulations, is then taken to Cabinet for their approval, along with the new 2013 Regulations and this EIA. Ward Councillors also have an interest as many have a council owned/managed cemetery within their Ward, or they may be approached by their residents about a Council cemetery in a neighbouring Ward.
The Corporate Director Residents Services and the Deputy Director Highways, ICT and Business Services	To ensure that services are provided in a fair manner and meet the needs of our residents
Bereavement Services and Green Spaces Staff	Staff will implement, and in certain circumstances enforce, the 2013 Regulations and need to be confident that in doing so they are not acting in a discriminatory way.

A.4) Which protected characteristics or community issues are relevant to the assessment? ✓ in the box.

Age		Religion or belief	✓
Disability		Sex	
Gender reassignment		Sexual Orientation	
Marriage or civil partnership		Community Cohesion	✓
Pregnancy or maternity		Community Safety	✓
Race/Ethnicity		Other – please state	

STEP B) Consideration of information; data, research, consultation, engagement

B.1) Consideration of information and data - what have you got and what is it telling you?

Census 2011 data

It is first important to note that Sikh and Hindu, with 8.0% and 6.7% respectively, chose to cremate rather than bury their dead, so their needs for the cemetery are limited only to that of the burial of cremated remains (the majority of which takes place at Breakspear Crematorium, which is governed by separate regulations).

The Census 2011 data shows the dominant religion to be Christian, at 49.2%. The Christian religion has no specific burial requirements in terms of length of time between death and burial or the need to be in a separate section to other religions. The Regulations allow for a 'minister of religion' to be present, supporting the need for Christians (and all other faiths) to have a religious leader present/leading the funeral.

Furthermore, while the 1994 Regulations do not make reference to consecrated land, it is the current practice to have designated sections of the cemetery consecrated and therefore burials in these areas are restricted to those of the Christian faith only. While this is not necessarily discriminatory, it does cause unnecessary segregation and can present issues to effective land use management. Segregation does not appear to be a requirement of the Christian faith.

The second highest population percentage is those of 'no stated religion', at 17.0%. Although it is not possible to confirm the requirements this group of the population, the bereavement service offered by Hillingdon council has sufficient flexibility to be able to accommodate most requests, given sufficient notice and approval from the Bereavement Services Manager.

The third highest percentage is the Muslim faith, at 10.6%. One of the requirements of this faith is to be buried in an area separate to those of other faiths, provided currently by the Muslim section at Cherry Lane Cemetery.

A further requirement for those of the Muslim faith is to be buried at the earliest opportunity following death, preferably within 24-48 hours. As a result of the various statutory stages between death and burial (certification and various registrations), 24 hours is unlikely to be achieved in the UK. However, the current setup in Hillingdon's cemeteries provides potential delays, some which may be reasonable to remove or, at least, reduce:

- Notices of Interment must be received 2 clear working days before the day of burial (although this can be reduced in urgent cases).
- For burials on a Saturday, due to restrictions by the Grounds Maintenance Contractor it is a requirement to submit the Notice of Interment into the Cemeteries Office by 10:30 on the morning of the Friday preceding the burial.
- The Cemeteries Office is closed on Good Friday and Bank and other Public Holidays

While the population percentage of other religions are statistically insignificant and,

therefore, it would be disproportionate to make bespoke services for these religions, all requests will be considered on a case-by-case basis by the Cemeteries Manager e.g. for a Jewish burial on a Sunday.

Hillingdon Cemeteries statistics

Since April 2010, 10.5% of burials have been those of the Muslim faith. This percentage closely matches the Census 2011 data. The monthly average for Muslim burials ranges between 1.9 -2.3 (adults) and 0.2-1.9 (Children), all of which take place in the Muslim Section at Cherry Lane Cemetery. Of these burials, only 3 have taken place on a Saturday.

Based on these current figures, it is reasonable to suggest that even if all Muslim deaths were to occur at the end of the working week (e.g. Friday), at most only 1 Saturday burial per week would be required.

With regards to other Saturday burials, it is clear from speaking with Cemetery Office staff that the Saturday requests are normally based on a logistical requirement, rather than a preference to hold a funeral at the weekend.

RESPOC witnesses sessions

Through the RESPOC meetings, a number of views were gathered from a selection of residents/cemetery users, local funeral directors and other local authority bereavement service and green spaces managers. Of importance to this EIA are the following:

- The funeral directors appeared uninterested in expanding their Saturday service and suggested increased and disproportionate costs (note this did not include funeral directors for the Muslim faith)
- Concerns raised by residents that some communities/individuals were not following the 1994 regulations. This suggests the processes to monitor compliance and subsequent enforcement is weak and that some communities might feel they are being discriminated against.

Muslim Section burials (Regulation 36. of the 1994 Regulations)

The 1994 Regulations are generic in their content, with the exception of the reference to 'Muslim section¹ burials'. The justification for the separation within the 1994 Regulations is unknown, however, following research, it is reasonable to suggest that the separate section of the cemetery was created to meet some of the specific cultural needs of Muslim people, such as the need to be buried in an area separate to those of other religions.

There are some elements of the Muslim section's regulations which could be deemed discriminatory against those of other religions, such as only allowing those of the Muslim faith to be buried on shrouds and the Muslim section being the only cemetery at which full traditional style memorials are permitted (with exception of very limited space at Harmondsworth cemetery). For the former, there is no clear reason for this distinction, whereas the latter appears to be a land-use strategy.

¹ By 'section' this means a section of the cemetery rather than a section of the community

Consultation

B.2) Did you carry out any consultation or engagement as part of this assessment?

Please tick ✓ NO YES ✓

If no, explain why:

Originally, a wider consultation was planned to enquire about whether the increased fees for Saturday burials were the reason why people chose to wait until Monday for a burial. However, in January 2013, the grounds maintenance service came 'in-house' which has presented a series of viable options that would allow the removal of the additional charge for Saturday burials for residents (to be rolled out from April 2013).

If yes, what did you do or are planning to do? What were the outcomes?

Consultation via the RESPOC witness sessions allowed conversations to take place with:

- Residents/cemetery users (West Drayton and Cherry Lane Cemetery)
- The Council's Green Spaces Service Manager (responsible for grounds maintenance at all Cemeteries)
- Local funeral directors
- Police - Safer Neighbourhoods Team
- Other councils' bereavement services managers

A number of comments were made that had a direct bearing on the 1994 Regulations and have been captured in Step B above.

B.3) Provide any other information to consider as part of the assessment

Legal context

Under the Equality Act 2010, the Council must not discriminate against people with a protected characteristics in the services that it provides. The Council also has a public duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations (Equality Act 2010)

Furthermore, the Council is bound by the Local Authorities' Cemeteries Order 1977, and the Local Authorities' Cemeteries Order (Amended) 1986, in which it is granted a number of rights as the Burial Authority for the London Borough of Hillingdon area. This includes the right to manage the burial sites as deemed appropriate and to enforce the rules and regulations of said burial grounds. The Borough Solicitor has been consulted on the new Cemetery Regulations throughout the process.

Financial context

The changes to the 1994 regulations are not expected to change the financial status of the Cemetery (and Crematorium) budget. With the exception of the potential to reduce/remove the addition fee levied for a burial on a Saturday, the updated regulations will not affect the charges for using the Council's bereavement services. These charges are reviewed and approved by The Leader of the Council on an

annual basis as part of a separate process.

BID context

Not applicable

National policy context

Not applicable

C) Assessment

What did you find in B1? Who is affected? Is there, or likely to be, an impact on certain groups?

C.1) Describe any **NEGATIVE** impacts (actual or potential):

Equality Group	Impact on this group and actions you need to take
Muslim people	<p>Delays in interment caused by the '2 clear working days' required to process the notice of interment require consideration of shortening the processing time of notices of interment for Muslim section burials to 24 hours, wherever practicable and excluding weekends and public holidays.</p> <p>While opening the cemeteries office on weekends and bank holidays is a possibility, the number of weekend burials in the statistical data does not make this a cost effective approach. Therefore, consideration should be paid to allowing shorter-notice 'notices of interment' for those wishing to be buried on a Saturday or Monday, and for the costs of this to come out of existing cemetery office resources i.e. by altering the processes rather than extending office hours.</p> <p>Furthermore, the feasibility of equal interment fees for residents regardless of the day of the week should be considered.</p>
Christian Denominations	<p>The Christian faith is generalised, despite their being many sub-denominations. As such, it is not possible to be certain that the denominations with a representation similar or above that of Sikhs, Muslims and Hindus have been taken into consideration.</p> <p>However, that said, research into the requirements of some of the more dominant Christian denominations (C of E, Catholicism, etc) suggests that the 1994 Regulations do not discriminate against them</p>

C.2) Describe any **POSITIVE** impacts

Equality Group	Impact on this group and actions you need to take
All cemetery users	The planned revisions to the 1994 Regulations appear to ensure the needs of the majority of the borough's residents are catered for, and there is sufficient inbuilt flexibility to include the needs of others upon request to the cemeteries manager.
Those who are unable to read English, or unable to interpret the full Regulations	<p>It was acknowledged during the research process² that some members of the community are unable to understand the full version of the 1994 Regulations. Simplification of the language and layout will go some way to assisting here, however, for legal reasons there is a minimum level of detail required to make the Regulations enforceable.</p> <p>However, further accessibility options are planned:</p> <ul style="list-style-type: none"> ▪ the creation of a pictographic booklet to provide a summary of the key points of the 2013 Regulations will assist those who are unable to read English or comprehend full Regulations. ▪ Being considered, for publication on the council website, is an audio version of the booklet, to aid those who understand spoken but not written English. ▪ The standard council alternative formats for published documents will also be available, upon request.

² Comments from the Bereavement Services Manager, and comments made by residents and funeral directors at RESPOC

D) Conclusions

It is recognised that the burial process is very important to all of our community and where reasonably practicable adjustments have been made to accommodate the requirements of the borough's population e.g. a shorter notice period for burials in the Muslim section

Based on the findings of this EIA, it is proposed that the new regulations should allow:

- A body to be buried in a shroud rather than casket, regardless of religion or belief system;
- for open casket, where appropriate;
- for the family of the deceased to be allowed to assist in the filling of a gravespace, where the health and safety rules of the cemetery and the guidance of cemetery staff is followed;
- Cremated remains to be placed into any grave space, rather than restricted to only columbaria;
- Consecration to take place for individual gravespaces rather than having separate sections dedicated to consecrated land;
- That while it is very difficult to retrospectively enforce breaches of the 1994 regulations, from the date of issue of the 2013 regulations enforcement must be consistent.
- Burial fees for residents to be equal regardless of the day of the week
- For additional accessibility options to the regulations themselves e.g. pictographic booklet

Furthermore, consideration should be paid to increasing the availability of burials at short notice for Saturdays and Monday mornings.

Signed and dated:.....

Name and position:.....