

T H E M U S L I M C O U N C I L O F B R I T A I N
M C B

Mr Jack Williams
Researcher for Lorely Burt MP
House of Commons
London, SW1 0AA

30th June 2014.

Dear Mr Williams,

RE: Inquiry into delays between death and the burial or cremation of the deceased.

Please find enclosed our organisation's submission on the All-Party Parliamentary Group inquiry into delays between death and the burial or cremation of the deceased.

Yours Sincerely,

Esmat Jeraj
Public Affairs & Communications Manager

The Muslim Council of Britain.



Submission from the Muslim Council of Britain

All-Party Parliamentary Group for Funerals and Bereavement inquiry into delays between death and the burial or cremation of the deceased.

June 2014

Introduction

1. The Muslim Council of Britain (MCB) is an inclusive umbrella body that represents the interest of Muslims in Britain. It is pledged to work for the common good of society as a whole. It was founded in 1997.
2. The MCB is made up of major national, regional and local organisations, specialist institutions and professional bodies. Its affiliates include mosques, educational and charitable bodies, cultural and relief agencies and women and youth groups and associations. At present it has over five hundred affiliates.
3. The MCB is a non-partisan organisation and does not endorse any political parties. It does encourage greater participation in the electoral and consultative processes, and in helping Muslims make informed choices.
4. The MCB welcomes this opportunity to comment on the APPG for Funerals and Bereavement's inquiry into delays between death and the burial or cremation of the deceased. MCB's specialist work is undertaken at a committee-level and this submission is based on consultations involving responses from the Muslim communities in Batley, Birmingham, Blackburn, Bolton, Bristol, Gloucester, Leicester, London, Sheffield, Southampton & Wales.

Background

5. Muslims are a community with a sense of the sacred, believing that a civilised society depends on the strength and preservation of sacred values. The Muslim population in England and Wales stands at 2.7 million - 4.8% of the total population (2011 Census). The Muslim population is distributed in all the regions:

Region	Total Population	Muslim Population	Muslim %
North East	2,596,886	46,764	1.8
North West	7,052,177	356,458	5.1
Yorkshire and The Humber	5,283,733	326,050	6.2
East Midlands	4,533,222	140,649	3.1
West Midlands	5,601,847	376,152	6.7
East	5,846,965	148,341	2.5

Region	Total Population	Muslim Population	Muslim %
London	8,173,941	1,012,823	12.4
South East	8,634,750	201,651	2.3
South West	5,288,935	51,228	1.0
West	3,063,456	45,950	1.5

6. While the Muslim population today is younger than the overall population, within 20 years the population in the 70 to 94 age band will be in the region of 300,000.
7. Islamic practices for burial have been established in the Shari'ah (Muslim laws) and are in line with burial conventions of other faiths, such as the Jewish tradition. Muslims strive to bury the dead as soon as possible after death, with many Muslim burials occurring within twenty-four hours of death. Muslims are always buried, never cremated, and prefer simple burials. It is a religious requirement that the body be ritually washed and draped before burial, which should be as soon as possible after death.

Substantive Response

1. *What is the average number of days between death and a burial or cremation on England and Wales, and do regional variations exist?*

There are regional variations which make it difficult to determine the average number of days between death and burial. We have found that this may range from 1-5 days depending factors such as:

- Cause of death
- Lack of awareness by the authorities involved (hospitals, coroners) of the importance Muslims attach to early burial. This is also when the cause of death is known.

2. *Does sufficient data exist to monitor delays?*

There is currently no systematic monitoring process in place.

3. *What are the reasons for the increasing time between death and a funeral?*

There are several factors which can result in a delay. These include:

- GP being unavailable during weekends, holiday period / or annual leave and therefore there is no one available to issue a Medical Certificate of Cause of Death (MCCD).
- Limited out of hours Registrar's facility.

- No out of hours coroner's service. This results in officers being unavailable to issue forms A and B, or open inquests to issue the release of body for burial.
- The consultant treating the deceased in hospital may in some cases be off duty, and therefore not available (weekends, holidays, Duty Shift) to issue the MCCD.
- The need for post mortem. This delay is compounded during the holidays as there is no provision to undertake post mortems over weekends and bank holidays. Delays also occur if a pathologist is not available to carry out the post-mortem.
- The process of conducting autopsies is time-consuming and does not recognise the religious sensitivities. **Non-invasive investigations - MRI and CT scans - are much quicker and can also be performed in hospitals in the evenings when the necessary equipment is likely to be more easily available.** If a radiologist was available to carry out these non-invasive procedures, the release of bodies could be expedited and moreover there would not be a need for pathologists, who are unavailable at weekends.
- Availability of burial space, as some cemeteries do not provide burial facilities during weekends and bank holidays. Some cemeteries can only handle a set number of funerals and set times for burials.

4. *Will the Government's proposals for death certification reduce or increase the time between death and a funeral?*

There have been mixed messages from the pilot studies that are currently proving to increase delays between death and the funeral. For this system to work effectively, the proposal will need to be properly resourced not only in terms of funding but also **in terms of sufficient Medical Examiners** that can provide out of hours service. This would speed up the overall process as well as reducing the number of post-mortems. We believe that further consultation is required on the proposed new system, to also address the findings of the pilot studies as well as the feedback from various stakeholders, in particular faith groups. We are aware that a further consultation on this is due shortly, and faith groups will certainly be submitting their comments.

It should be noted that of the approximately 500,000 deaths registered in England and Wales in 2012, post-mortems were performed in 95,000 cases i.e 19%.¹ The percentage is significantly lower for Scotland: 55,000 deaths and 5000 post-mortems i.e. 9%. The statistics for Australia and Canada are similarly lower than England and Wales. **What are the reasons for this higher rate of post-mortems in England and Wales?** The present practices are a financial burden in terms of resources allocated, and a cause of distress and grievance for families. The role of a Medical Examiner will reduce the number of post-mortems being conducted, by providing the coroner with a medical insight.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/199793/coroners-statistics-bulletin-2012.pdf

5. *Do the requirements of Social Fund applications cause delays in holding a funeral and what changes could be made to its administration to reduce delays?*

Funerals are steadily becoming more expensive with costs in the region of £4000-£5000.

This is unaffordable for many and assistance is required. The processes involved with Social Fund applications do cause delays in holding funerals, particularly for those who do not have support networks of either family or community. We have found that often extended family and friends raise the funds to cover costs of the funeral on the day, and an application subsequently submitted to the Social Fund to reimburse these individuals. As many local authorities now specify as a criteria that there must be no family or friend who can assist, it is highly likely that such applications shall be refused, with the debt remaining outstanding.

Our recommendation would be that the Social Fund seeks to develop arrangements with the funeral undertaker or cemetery operator confirming that payment will be made or, as a minimum, the application should be fast tracked. This can be done similarly to current methods for paying rent in advance and deposits to letting agencies.

Further consideration also needs to be given to the reduction of funeral costs.

6. *What impact do delays have on bereaved families?*

Delays can have a significant impact on the bereaved families who experience a great deal of stress and anxiety. In particular:

- Uncertainty as to when an examination requested by the coroner will be concluded.
- Uncertainty as to when the relevant paper work would be issued to allow a burial to take place.
- The stress and pressure to fulfil religious obligations to have the burial as soon as possible and the inability to inform the family and friends about the funeral arrangements.
- The extension to the mourning process for the family and friends. Closure can only start once the deceased is buried.
- Increase in the likelihood of relatives becoming disturbed and requiring therapeutic intervention with costs to the NHS.

7. *What are the economic and other costs of delays in funerals?*

It is common cultural practice for families and close friends to attend the homes of the deceased as soon as death takes place to join and support the bereaved family in the mourning process, until the burial has taken place. The bereaved family normally cater for all the out of town visitors and this can have a significant economic impact on the family. In addition, family members are not able to return to work until the burial has taken place.

Delays may also result in higher burial and funeral charges especially if it involves the storage charges and weekend burial charges. A number of cemeteries do charge an extra amount for late burials as well as weekend and bank holiday burials.

8. *Are there sufficient crematoria across England and Wales to cope with requirements?*

As Muslims do not cremate their deceased, we are unable to comment on this.

9. *Is there sufficient availability of core slots at crematoria?*

As Muslims do not cremate their deceased, we are unable to comment on this.

10. *What changes could be introduced by stakeholders involved in the burial and cremation process to reduce delays?*

[The stakeholders are considered to be family of the bereaved, undertakers, cemetery managers and faith organisations; the role of registrars and hospitals are considered in the response to Q.11]

Suggestions for changes that could be implemented to reduce delays include:

- **Reduce anxiety and stress on the bereaved through introduction of non-invasive post-mortems i.e. CT and MRI scanning.**
- Greater recognition and be sensitivity to the needs of faith communities.
- Extended time for burials at cemeteries: access to cemeteries for burials out of hours, weekends and bank holidays.
- Training on faith and cultural sensitivities should be provided to all stakeholders.

11. *What action should be taken by central and local Government to reduce delays in burial/cremation of the deceased?*

- a) **When the deceased is on a pathway or has been in hospital where cause of death, or likely cause of death is known, there should be release of the body as soon as possible.**
- b) **Why is there a much higher rate of post-mortems in England and Wales compared to Scotland and also other countries? Invasive autopsies should never be routine or automatic; only when there is clear indication of criminality, or the medical history raises specific questions, should autopsies then be required. On death, medical records should be available to the Medical Examiner and if the cause of death, or likely cause of death, can be explained by medical history, non-invasive autopsies – CT and MRI scanning - should be the first option, and made available free of charge.²**
- c) Lack of burial space. A number of studies have been done on this very emotive issue, and there is consensus amongst the experts in this area that there is a shortage of burial space. This problem is more acute in London and Birmingham. This issue has to be taken

² The MCB believes that this service is already available at some London hospitals to one faith community – and this facility should now be made available to others.

up by the Government and solutions found, including revisiting the existing legislation on re-usage of graves.

- d) Training on faith needs and sensitivities, particularly for medical personnel.
- e) Availability of GPs out of hours, including weekends and bank holidays for death certification.
- f) Changes to allow medical practitioners who have treated the deceased to have access to the records to be able to issue the MCCD.
- g) Availability of registrar's services out of hours, specifically at weekends and bank holidays; resourcing the coroner's offices to be available at weekends and bank holidays.
- h) Facilities to carry out post mortems out of hours during weekends and bank holidays.
- i) Allow coroners to open inquests on Sundays.
- j) Provide resources to the Police to enable Coroners Liaison Officers to be available during weekends to open inquests.
- k) Mortuary accessibility: a number of mortuaries have restricted times and need to be accessible for out of hours as well as weekends and bank holidays.
- l) Statutory powers to the Chief Coroner so that he can enforce all his reforms and provide a consistent coroner service throughout England and Wales.
- m) Consider introducing two post mortems for criminal / homicide cases as in Scotland to prevent multiple post mortems and delays in releasing the body for burial. One of the post mortems should be carried out by an independent party that defence lawyers can rely on.
- n) Adopt a consultation process with those acknowledged organisations and agencies that are directly involved in this area of work
- o) Better communication and co-operation between the various stakeholders.
- p) A more structured system in place to ensure delays are monitored and reported to the relevant authorities.