

Equality Impact Assessment [version 2.12]



Title: Proposed Flax Bourton Mortuary Charging Byelaw	
<input type="checkbox"/> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input checked="" type="checkbox"/> Other (Byelaw)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Already exists / review <input type="checkbox"/> Changing
Directorate: Resources	Lead Officer name: John Pitchers
Service Area: Statutory Registration	Lead Officer role: Mortuary and Coroner Support Manager

Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](https://sharepoint.com).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the [Equality and Inclusion Team](#) early for advice and feedback.

1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use plain English, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

Under the powers granted under s.198 of the Public Health Act 1936, Bristol City Council proposes to pass a byelaw in 2023 that would permit the council to start charging for storing a deceased person at Flax Bourton Public and Forensic Mortuary if they are not collected within three working days of the coroner's release paperwork being issued. This formalises the existing informal requirement to collect within three working days; a time period that has been selected as sufficient to allow funeral services to make the necessary arrangements, whilst avoiding a longer stay than is necessary.

Flax Bourton Public and Forensic Mortuary provides mortuary and autopsy services for the Senior Coroner for Avon. The mortuary is used to investigate unexplained or unnatural deaths that occur in the Bristol, South Gloucestershire, North Somerset, and Bath and North-East Somerset council areas; therefore, this proposal covers deceased and citizens from all wards of the four authorities.

After three working days, a charge would be applied for each day the deceased person remains at Flax Bourton mortuary. The amount of the daily charge would be set with the aim of encouraging prompt collection, not for the purpose of making a profit and would be publicised on the council's website. We expect the charge to be in the range of £100 to £200 per day. This may be varied from time to time in line with changes in costs or as needed to encourage prompt collection. Any charges paid will be used to maintain and operate the mortuary. At the moment, funeral businesses make no payment to help to cover the costs of keeping the deceased at Flax Bourton Mortuary. This means the cost is borne by taxpayers. The byelaw is intended to manage pressure at Flax Bourton Mortuary and to allocate the costs more fairly from the local authorities to private funeral directors.

The charges would be paid by the appointed funeral director or direct cremation company. If a funeral director is not appointed (e.g. in the case of a 'DIY funeral'), the family or friends would be responsible for paying the charges, but at a reduced rate of £30 per day*.

We propose that charges would start on 1 January 2025, to allow time for funeral companies to source alternative mortuary space. These charges would also apply to any future mortuary provided by Bristol City Council.

This EqIA has been updated following public consultation. As a result, this document is the final version being presented to Full Council for their decision.

*A funeral arranged by the family and friends of the deceased, without any involvement from a funeral company. The timescales for collection are, therefore, longer than 'traditional funerals'.

1.2 Who will the proposal have the potential to affect?

<input checked="" type="checkbox"/> Bristol City Council workforce	<input checked="" type="checkbox"/> Service users	<input type="checkbox"/> The wider community
<input type="checkbox"/> Commissioned services	<input checked="" type="checkbox"/> City partners / Stakeholder organisations	

Flax Bourton Public and Forensic Mortuary provides mortuary and autopsy services for the Senior Coroner for Avon across Bristol, South Gloucestershire, North Somerset, and Bath and North-East Somerset council areas. The four councils responsible for funding Flax Bourton Mortuary cannot afford to continue to subsidise the operations of commercial companies.

When the coroner has finished investigating the cause of a death, she releases the deceased person for collection by a funeral director. The funeral director, who is usually appointed by the deceased's family, is responsible for storing the deceased until they are buried or cremated. There is increasing pressure on storage capacity at Flax Bourton Mortuary due to funeral directors delaying collection of the deceased until shortly before the funeral. The proposals will therefore affect funeral businesses and may indirectly affect people who use them in any of the four authority areas.

Bereaved people can expect the payment they make to funeral directors and direct cremation companies to include the cost of storing their deceased relatives/friends until the funeral or cremation/burial. However, funeral directors still do not have enough mortuary capacity and are keeping deceased people at Flax Bourton Public and Forensic Mortuary for long periods after the coroner has released the deceased people for collection.

1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

Yes **No** [please select]

There are two potential impacts:

1. That funeral companies who are charged under the new byelaw may pass the charges onto their customers (i.e. bereaved people)
2. That individuals who do not engage a funeral director ('DIY funerals') may have to pay if they do not pick up their relatives in a timely manner from Flax Bourton mortuary after discharge

Step 2: What information do we have?

2.1 What data or evidence is there which tells us who is, or could be affected?

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: [How we measure equality and diversity \(bristol.gov.uk\)](http://bristol.gov.uk)

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data e.g. from national or local research, available data or previous consultations and engagement activities.

Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here [Data, statistics and intelligence \(sharepoint.com\)](http://sharepoint.com). See also: [Bristol Open Data \(Quality of Life, Census etc.\)](http://bristol.gov.uk); [Joint Strategic Needs Assessment \(JSNA\)](http://bristol.gov.uk); [Ward Statistical Profiles](http://bristol.gov.uk).

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as [HR Analytics: Power BI Reports \(sharepoint.com\)](http://sharepoint.com) which shows the diversity profile of council teams and service areas. Identify any over or under-representation compared with Bristol economically active citizens for different characteristics. Additional sources of useful workforce evidence include the [Employee Staff Survey Report](http://bristol.gov.uk) and [Stress Risk Assessment](http://bristol.gov.uk)

Data / Evidence Source [Include a reference where known]	Summary of what this tells us
Public consultation is taking place between 19 th September and 1 st November. This is not yet concluded. The consultation asks about the impact the change will have and the equalities groups (i.e. the protected characteristics of the people responding), so this information can be cross referenced.	<ul style="list-style-type: none"> • There were 78 responses to the public consultation were received from 45% public, 31% funeral directors (none of which are direct cremation businesses) 10% NHS mortuaries, 6% bereavement organisations, as well as national funeral director associations. • 69% agree or strongly agree with the proposal for a daily charge and 27% strongly disagree or disagree. • 48% think that charges should start sooner than April 2025; 35% think its about the right time and 17% think charges should start later. <p>There was a common anxiety expressed that families would be charged in turn by funeral companies. This can be managed by the way the byelaw is implemented, so we need to be very clear on this in the communication plan post-approval.</p>
Muslim communities	It will not impact on these communities, as it is typical to bury someone of the Islamic faith within three days although most strive for 24 hours. This means speedy funerals and deceased people stay minimum time in storage after Coroner discharge.
Orthodox Jewish communities	It will not impact on these communities as a Jewish funeral would ideally occur within 24 hours after the death; however there is allowance and acceptance to delay the burial for appropriate arrangements. This still means speedy funerals and deceased people stay minimum time in storage after Coroner discharge.

2.2 Do you currently monitor relevant activity by the following protected characteristics?

- | | | |
|---|--|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Disability | <input type="checkbox"/> Gender Reassignment |
| <input type="checkbox"/> Marriage and Civil Partnership | <input type="checkbox"/> Pregnancy/Maternity | <input type="checkbox"/> Race |
| <input type="checkbox"/> Religion or Belief | <input type="checkbox"/> Sex | <input type="checkbox"/> Sexual Orientation |

2.3 Are there any gaps in the evidence base?

Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out in section 4.2 below. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. If you are unable to fill in the gaps, then state this clearly with a justification.

For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller teams diversity data may be redacted. A high proportion of not known/not disclosed may require an action to address under-reporting.

As this is the first such scheme to be introduced anywhere in the UK, there is a lack of available data on the potential impacts, intended or unintended, of this proposal, however, we feel there is sufficient information to proceed.

2.4 How have you involved communities and groups that could be affected?

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of Bristol's diverse communities.

Include the main findings of any engagement and consultation in Section 2.1 above.

If you are managing a workforce change process or restructure please refer to [Managing a change process or restructure \(sharepoint.com\)](#) for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g. staff-led groups and trades unions as well as affected staff.

An After Death Working Group meets every couple of months and funeral directors are part of that meeting. This includes Ummah Funerals, who are one of the two Bristol Muslim funeral director companies. The consultation about the potential introduction of the byelaw has been circulated to all funeral director companies and publicised to the general public as far as possible through BCC social media channels and local media pick-up.

2.5 How will engagement with stakeholders continue?

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation is required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality and Inclusion Team for help in targeting particular groups.

Public consultation took place between 19th September and 1st November.. The consultation asked about the impact the change will have and the equalities groups (i.e. the protected characteristics of the people responding), and many funeral companies responded to say that they undertake funerals for religious groups .

Step 3: Who might the proposal impact?

Analysis of impacts must be rigorous. Please demonstrate your analysis of any impacts of the proposal in this section, referring to evidence you have gathered above and the characteristics protected by the Equality Act 2010. Also include details of existing issues for particular groups that you are aware of and are seeking to address or mitigate through this proposal. See detailed guidance documents for advice on identifying potential impacts etc. [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#)

3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

Consider sub-categories and how people with combined characteristics (e.g. young women) might have particular needs or experience particular kinds of disadvantage.

Where mitigations indicate a follow-on action, include this in the 'Action Plan' Section 4.2 below.

GENERAL COMMENTS (highlight any potential issues that might impact all or many groups)	
This proposal is aimed at commercial companies, not individual citizens. There is a chance that a small number of individual citizens may be affected.	
PROTECTED CHARACTERISTICS	
Age: Young People	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Age: Older People	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Disability	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Sex	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Sexual orientation	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Pregnancy / Maternity	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Gender reassignment	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Race	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Religion or Belief	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Marriage & civil partnership	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
OTHER RELEVANT CHARACTERISTICS	
Socio-Economic (deprivation)	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	<ol style="list-style-type: none"> 1. That funeral companies who are charged under the new byelaw may pass the charges onto their customers (i.e. bereaved people) 2. That individuals who do not engage a funeral director ('DIY funerals') may have to pay if they do not pick up their relatives in a timely manner from Flax Bourton mortuary after discharge
Mitigations:	The charging is discretionary and is aimed at deterring funeral directors from delaying pick up. It is anticipated that citizens who incur a fee that is not relevant to the original aims of the byelaw will have the charge reviewed and potentially waived or reduced. (this will be at the discretion of the Service Manager and will be subject to evidence being provided that the delay was due to circumstances outside of the control of the funeral director or citizen) In addition, it is anticipated that the adverse publicity associated with funeral companies charging their customers for their own operational shortcomings would deter this from happening. Citizens facing financial difficulties are signposted to the relevant support by the Registration Service.
Carers	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Other groups [Please add additional rows below to detail the impact for any other relevant groups as appropriate e.g. asylum seekers and refugees; care experienced; homelessness; armed forces personnel and veterans]	

3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our [Public Sector Equality Duty](#) to:

- ✓ Eliminate unlawful discrimination for a protected group
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ Foster good relations between people who share a protected characteristic and those who don't

N/A

Step 4: Impact

4.1 How has the equality impact assessment informed or changed the proposal?

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This summary can be included in decision pathway reports etc.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this.

Summary of significant negative impacts and how they can be mitigated or justified:
See above information re: Socio-Economic (deprivation)
Summary of positive impacts / opportunities to promote the Public Sector Equality Duty:
N/A

4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group please specify this.

Improvement / action required	Responsible Officer	Timescale
Specific standard operating procedures will be created to underpin the operationalisation of the byelaw. This will include measures to carefully review any charges levied on individual citizens.	John Pitchers	Before commencement of new byelaw

4.3 How will the impact of your proposal and actions be measured?

How will you know if you have been successful? Once the activity has been implemented this equality impact assessment should be periodically reviewed to make sure your changes have been effective your approach is still appropriate.

One the byelaw is in force, feedback will be actively sought from service users and will be analysed to identify and resolve any negative effects on individual citizens.

Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the [Equality and Inclusion Team](#) before requesting sign off from your Director¹.

Equality and Inclusion Team Review: <i>Reviewed by Equality and Inclusion Team</i>	Director Sign-Off: Tim O’Gara
Date: 15/11/2023	Date: 24/11/23

¹ Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.