

COVID-19

POLICING MINISTER CLARIFIES LIABILITY OVER ENFORCING COVID RESTRICTIONS AT FUNERALS IN ENGLAND

In February, in a response to the NAFD's letter and recent Parliamentary Questions, Minister of State for Crime and Policing, Kit Malthouse MP, clarified expectations regarding the role of funeral directors in enforcing attendance limits at funerals - advising that, if funeral directors had done all they could, including advising the police if they "reasonably believe(d)" limits would be breached, that they "will normally have discharged their responsibilities under the law".

In his letter, which follows NAFD extensive efforts to raise the subject with parliamentarians, civil servants and through the media, Mr Malthouse has set out the role of the venue manager and funeral director, saying: "Those responsible for organising a funeral must also take all reasonable steps to ensure the event takes place in a COVID-19 safe and secure way that complies with all relevant legislation, including around attendance. This includes taking all reasonable steps, for example, to ensure the limit on attendees is not exceeded and mourners wear face coverings."

He added that it remains "a legal requirement and therefore, the responsibility of the venue manager to carry out a risk assessment and to take all reasonable measures to limit the risk of transmission of COVID-19, taking into account (a) the risk assessment and (b) any guidance issued by the Government which is relevant to the gathering".

NAFD Chief Executive Jon Levett said: "This is a fair statement – it does not shy away from restating the responsibilities that funeral directors rightly have, in terms of playing their part in ensuring the rules are followed – but it also recognises the limits of their influence over who is invited or decides to show up to a funeral.

"The NAFD team, supported by DMAG colleagues, has worked extremely hard to secure this

Covid: Families could be asked to pay funeral fines

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Coronavirus pandemic



clarification. We have written to or briefed ministers and civil servants in not only the Home Office and Ministry of Justice, but also the Cabinet Office too – which is overseeing the whole COVID-19 response – and we have raised the topic through national media. We have also sent briefings to the National Police Chiefs' Council - to try and ensure police forces are taking a measured approach to policing on this most sensitive of issues - and have been supported by MPs and peers including All-Party Parliamentary Group for Funerals and Bereavement chair, Sir John Hayes, and Barry Sheerman MP.

"I am very pleased to see this work bearing fruit, not only in this valuable clarification from the Minister, but also in the productive conversations that we – and our members – are now having with police forces, on the best way to ensure funerals can proceed safely while restrictions remain in force."

Funeral directors are advised to continue to utilise the NAFD guidance, as it has been reviewed by lawyers - and is in line with Government advice - and so will ensure you continue to discharge your responsibilities.

“ IF FUNERAL DIRECTORS HAD DONE ALL THEY COULD, INCLUDING ADVISING THE POLICE IF THEY "REASONABLY BELIEVE(D)" LIMITS WOULD BE BREACHED, THAT THEY "WILL NORMALLY HAVE DISCHARGED THEIR RESPONSIBILITIES UNDER THE LAW." ”