

Exhumation Policy
For
Wainfleet All Saints
Town Council

Reviewed – Updated August 2019

Next Review Date May 2020

Exhumation Policy

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

Exhumation of both buried and cremated remains generally requires a Home Office licence.

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

Therefore, all exhumations will be carried out in accordance with the Cemetery and Cremation Management 'Code of Safe Working Practice for Cemeteries', and the Health and Safety Executive (HSE) guidance 'Controlling Risks of Infection at Work from Human Resources'

Exhumation will always be the last resort the Authority will undertake. It will try to resolve issues by alternative 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 the original grave to a subsequently acquired family plot in the same or other cemetery
- repatriation overseas to be buried along with other family
- transfer from one cemetery scheduled for development to another
- court orders requiring further forensic examination

Requirements

However, it is an offence to exhume any human remains without first obtaining the necessary lawful permissions. A Funeral Director can help in obtaining such permissions.

A licence must be obtained from the Home Office. Exhumation licences will also contain certain conditions that have to 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 is no threat to public health. Occasionally cadaver certificates are required in addition to exhumation licenses

Decency and safety

The Town Clerk will be present at all exhumations carried out in any cemetery under control of Wainfleet All Saints Town Council.

An Environmental Health Officer (EHO) must be present at the exhumation who will supervise the event to ensure that respect for the deceased person is maintained and that public health is protected.

The officers will also ensure that:

- the correct grave is opened
- the 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 e.g. protective clothing including masks and gloves
- task lights and all other necessary equipment is available
- everyone present shows due respect to the deceased person and to adjoining graves
- the nameplate 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 of casket are placed in the new casket
- the new casket is properly sealed
- the area of exhumation is properly disinfected and satisfactory arrangements are in place for the onward transmission of the remains

If the conditions of the licence cannot be met or there are public health or decency concerns, the exhumation may not proceed.

Note:

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

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

Exceptional circumstances must be shown (a copy of Judgment (dated 16th April 2002) of the Arches Court of Canterbury in the case of Blagdon Cemetery, Somerset is available upon request from the Town Clerk).

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

Once faculty is applied for, fees will be payable whether or not a faculty authorising exhumation is ultimately granted. The fees are to cover the cost of the work undertaken by the Chancellor of the Diocese and legal assistance in relation to the application. y of personal data, damage to property or social disadvantage. Therefore, a breach, depending on the circumstances of the breach, can have a range of effects on individuals.

Update of Policy due August 2020

Adopted by Wainfleet All Saints Town Council

Signed Mayor/Chairman

Signed Clerk

Date