

Enforcing COVID-secure restrictions at funerals

November 2020



Enforcing COVID-secure restrictions at funerals

This draft guidance has been issued in response to concerns about the correct procedures to follow should a greater number of mourners than the COVID-secure limit of the venue seek to attend a funeral and who is responsible for enforcing Government Coronavirus guidance or regulations.

This guidance has been reviewed by the Cabinet Office. No changes were recommended and they believe it will be a helpful document.

What does the guidance say?

Official guidance ([COVID-19: guidance for managing a funeral during the coronavirus pandemic, PHE England – October 2020](#)) is clear that funeral service staff should:

- **communicate** the need to comply with limits on gatherings
- **signpost** attendees to the advice on local restrictions .
- **remind** mourners that they are legally required to wear a face covering
- **facilitate** remote attendance, particularly for mourners who are required to self-isolate

COVID-secure processes

The guidance is clear that ultimate responsibility for implementing and managing COVID-secure venue processes lies with venue managers.

The guidance also states that it is possible for venue managers to *‘enter into a suitable arrangement with others carrying out services in their venue, for example funeral directors, and those leading or reading at a funeral service, ensuring that mitigations are in place and actions are taken as appropriate to the venue and detailed above.’*

This indicates that some of the venue manager’s responsibilities for ensuring the venue is COVID-secure and operated according to COVID-secure processes can be delegated to a funeral director by agreement. Our strong recommendation to any funeral director that enters into any such an arrangement with a funeral venue is that they should:

1. make sure they fully understand exactly what responsibilities they are agreeing to and that they are equipped to meet these responsibilities; and
2. insist on any agreement being set out in writing so that both parties are clear on their respective responsibilities.

Enforcement

In the absence of an agreement with the funeral venue, the guidance is clear that the funeral director is not responsible for enforcement of compliance with COVID-secure requirements. Indeed, funeral directors have no legal powers to enable them to do so.

Official guidance sets out that enforcement powers in relation to the Coronavirus Act, are the

remit of “the police and designated local authority compliance and enforcement officers”.

The approach taken by the police to enforce the provisions of the Coronavirus Act is set out [here](#).

The role of the funeral director remains to communicate, signpost, remind and facilitate only.

It is not advised that funeral directors agree to take responsibility for preventing people from entering the funeral venue. Attempting to physically prevent mourners from entering a funeral venue can put both you/your employees and mourners at risk and could constitute an offence.

If funeral directing staff cannot resolve a problem through a conversation, they should step back and inform the venue and/or the police as necessary.

What steps should a responsible funeral director take to help ensure the safety of all parties?

Do	Do Not
Communicate venue capacities and COVID-secure processes/requirements to families at the outset, preferably in writing. Aim also to secure client family understanding and acceptance of these restrictions in writing.	Assume any prior level of knowledge about the restrictions on funeral attendance by a client family.
Signpost clients and bereaved families to the official guidance or your own equivalent advice sheets, covering restrictions on attendance. Take time to explain these to them.	Rely solely on verbal communication about attendance restrictions with any party in connection with the funeral.
Discourage public advertisement of funeral details. Alternatively, in any public communication about the funeral that does appear, request inclusion of the line ‘attendance by invitation only.’	Wait until the day of the funeral to communicate any concerns about attendance to the venue.
Maintain good communication with both the client family and venue - and highlight to the venue any particular requirements for each funeral and concerns you may have about the potential of unexpected attendees prior to the day.	Advertise the time/date/location of funerals on your website or social media channels, in case this is mistakenly understood to be an open invitation to attend.
Maintain good communication with your local police force and highlight to them any serious concerns you may have about the potential of unexpected attendees prior to the day.	Attempt to physically prevent unexpected/additional mourners from entering the funeral venue. If you cannot resolve a problem through a conversation, step back and inform the venue and/or the police as necessary.
Provide a list of expected attendees to the venue ahead of, or on the day, to help them facilitate entry.	
Check that the venue is providing clear	

signage on entry to the venue about funeral restrictions, as well as the necessary Test and Trace information.	
--	--

Act with compassion at all times. If you have communicated restrictions clearly and in writing, and the client family and their guests are not following them, it is not your responsibility for enforcement and their wellbeing, as bereaved people, must also be respected at all times.

If in doubt, defer to the venue (and if appropriate local police) on all matters of attendance and compliance with restrictions.

Issued: 24 November 2020

