



National Pandemic Influenza Workshop
19 May,
Queen Elizabeth II Conference Centre

**Planning for Excess Deaths – A presentation
by the Home Office,
Ministry of Justice and Department of Health**

Introduction

- Background – Matthew Bird
- Consultation – Matthew Bird
- Phased Transition – Matthew Bird
- Key legislation – Matthew Bird
- Different Ways
of Working – Andrew Tucker and
Helen Shirley-Quirk

Background

- Home Office *coordinating* others' policies
- Limited read-across to existing mass fatalities planning
- Convened National Working Group with very wide representation
- First draft of *Framework for Planners* published for consultation

Consultation

- Responses from the primary audience (Local Authorities) comprised just over a third (36%) of the total number of contributions.
- Professional bodies, medical professionals and NHS responses account for a further 25%.
- Relatively small response from members of the public (9%) and, particularly, on faith issues (one response).

Consultation (ii)

- Changes result from responses to the consultation.
- Changes mainly aim to improve mechanisms and the clarity of advice – not policies – in particular:
 - the impacts of regulatory changes on the ability of business to play its role in managing excess deaths;
 - the roles and responsibilities, in particular of Local Authorities and Local Resilience Forums; and
 - the implementation by Ministers in CCC of ‘different ways of working’

Consultation (iii)

Impacts on Business

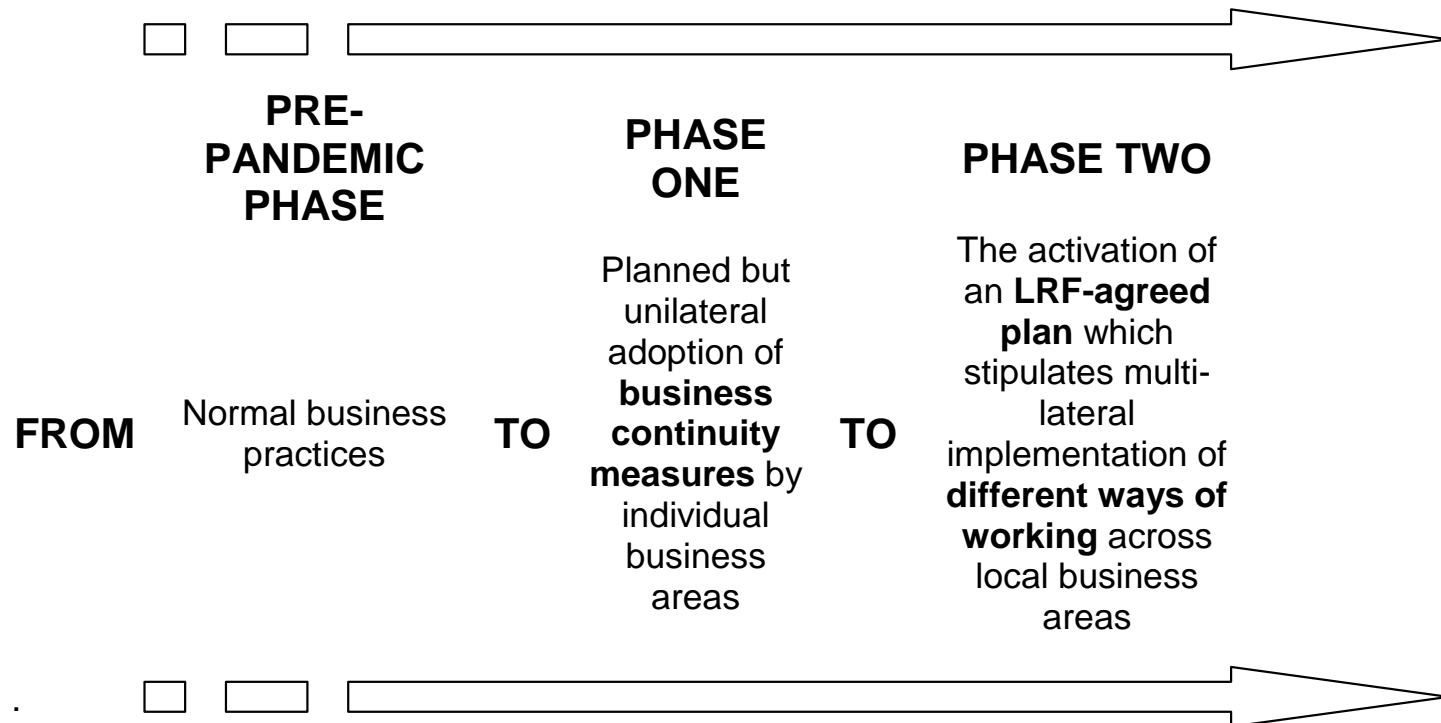
- Piecemeal introduction of statutory changes would create a chaotic patchwork
- Therefore devised the *Phased Transition to Different Ways of Working* (page 18)
- Mirrors more accurately the Roles and Responsibilities of LAs and LRFs

Consultation (iv)

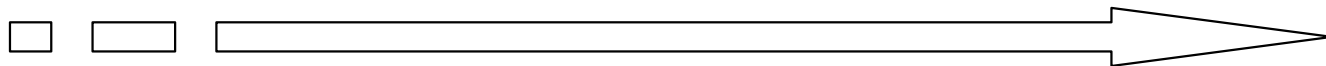
Roles and Responsibilities

- Important new role for LRFs in overseeing LAs' planning
- Role of SCG and RCCC to report local situation and request changes
- Decisions to implement statutory change for Ministers

A Phased Transition to Different Ways of Working



A Phased Transition to Different Ways of Working



PHASE TWO

The activation of an **LRF-driven plan** which stipulates the simultaneous implementation of **different ways of working** across local business areas

FROM

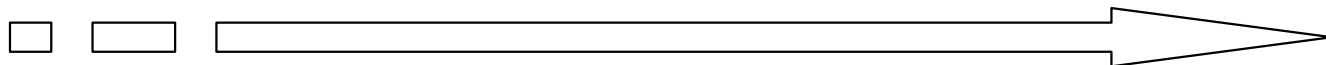
TO

PHASE THREE SECTION ONE

Phase Three Different Ways of Working involve **changes in the law**. **All** Section One changes will be **available for adoption** as required by the affected organisations

PHASE THREE SECTION TWO

Phase Three Different Ways of Working involve **changes in the law**. **Individual** Section Two changes **must be adopted** by the relevant organisations when they are implemented.



Key Legislation

- The Public Health Act 1936 (s.198) – establishes LA role in provision of mortuaries
- The Public Health (Control of Disease) Act 1984 – places duty on LAs to bury or cremate
- The Civil Contingencies Act 2004 – imposes a duty on LA to plan and prepare for emergencies
- The Coroners Act 1988 – provides for Coroner to meet cost of inquests and post-mortems

Key Legislation (ii) – Fair Trade

- Article 81 of the EC Treaty and the Competition Act 1998 (section 9)
- Article 81 prohibits agreements which prevent, restrict or distort competition within the common market.
- All organisations, public and private, have a responsibility for compliance, and are potentially liable to penalties for breaching competition law

Key Legislation (iii)

Impact of Competition Law on Pandemic Plans

- Examples:

1. An LRF plan proposes a limitation on the variety of coffins that funeral directors will supply during a pandemic to assist manufacturers to meet demands.

Problem: Restriction of trade – could be considered anti-competitive

Solution: There are exemptions and exclusions for emergency situations. Plans should not mandate particular solutions in respect of industry; various potential measures can be suggested. Funeral directors should be made aware of proposals in LRF plans.

Key Legislation (iv)

Impact of Competition Law on Pandemic Plans

- Examples:
2. LRF invites local funeral directors to discuss planning for a pandemic. LRF encourages funeral directors to share information about the capacity of their businesses during a pandemic.

Problem: Exchange of information between funeral directors could reduce the commercial or competitive independence of the businesses concerned. Public bodies should not act in a way which causes other undertakings to breach competition law.

Solution: LRFs could seek to collect data from individual businesses, aggregate it and use it in an anonymised form to inform planning.

Different Ways of Working (i)

- Idea is to provide a toolkit of measures
- Measures in two categories, as per the *Phased Transition*
- Phase Two measures – non-statutory, for LRFs to decide on corporately
- Phase Three measures – statutory, but S.1 – made available; S.2 – mandatory

Different Ways of Working (ii)

Burials and Cremations

- As soon as possible following death registration
- No centrally driven policy changes
- Determine local capacity in order to plan what measures necessary

Burials and Cremations (cont)

- Possible measures
 - changes to opening hours and working days
 - Redeployment of staff from elsewhere
 - Restrictions on funeral services
 - Graves allowing for quicker interment

Different Ways of Working (iii)

Coroners: Phase Two

- Redeployment of support staff
- Neighbouring districts to pool resources
- Moves to appoint additional deputies/identify list of potentials

Coroners: Phase Three

- Allow greater flexibility about hearing of inquests
- Changes to arrangements for deaths abroad
- Jury at coroners discretion
- Greater use of documentary evidence
- Simplify deputy coroner appointments

Death and cremation certification

- A balance between care for the living and safeguards for the deceased
- Death certification by registered medical practitioners to remain in place
- Proposed national measures:
 - Relaxation of the ‘14 day’ rule
 - Use of retired and non-practising doctors
 - Streamlining cremation certification