



Department
of Health &
Social Care

*From Nadine Dorries MP
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DMAG Member Organisations:

The Association of Private Crematoria and Cemeteries (APCC)
Federation of Burial and Cremation Authorities (FBCA)
Funeral Furnishing Manufacturers' Association (FFMA)
Institute of Cemetery and Crematorium Management (ICCM)
National Association of Funeral Directors (NAFD)
National Society of Allied & Independent Funeral Directors (SAIF)
The Cremation Society of Great Britain (CSGB)

October 2020

Dear Julie (on behalf of DMAG)

Thank you for your letter of 16 October to Rt Hon Michael Gove MP and Rt Hon Matt Hancock MP regarding the Health Protection (Coronavirus Restrictions) (Self-Isolation) (England) Regulations 2020.

I recognise the considerable work that everyone working in the death management sector continues to carry out to protect the dignity of the deceased and to provide support to the bereaved during the Covid-19 pandemic. I and other Ministers across government are very grateful for everything members of the Death Management Advisory Group are doing to ensure funerals can continue whilst minimising the risk to both mourners and staff and we are committed to continuing to work with the sector to meet this objective. Working together to support the expansion of live streaming facilities across crematoriums, so that mourners can attend services remotely is a good example of this.

The updated guidance for funeral attendance, published on 23 October, makes clear that anyone who has been told to self-isolate by NHS Test and Trace, or has tested positive for COVID-19 or is the close contact of someone who has tested positive, should not attend a funeral in person. While it would not be unlawful for someone in this position to attend in

person, the Government's position, as made clear in the funeral guidance, is to advise mourners strongly to attend virtually if at all possible due to the risk they pose to others. Removing the right for close family members to attend a funeral without considering individual circumstances is potentially in conflict with Article 8 of the European Court of Human Rights Act (ECHR) - the right to respect for a private and family life. The guidance goes on to set out steps that should be taken to minimise the risk to others if, exceptionally, there is no practical alternative to attendance in person.

By including an exception for funerals of close family members in the self-isolation regulations, it is absolutely not our intention to alter existing guidance, but rather to avoid a situation where if, in exceptional circumstances, someone were to attend the funeral of a close family member, they would be committing a criminal offence.

We are keen to work with you further to ensure there are effective practical and logistical controls of the kind you describe in your letter where, in exceptional circumstances, someone who has tested positive were to attend a funeral in person. I have asked officials to continue to discuss this issue with you.

A handwritten signature in black ink, appearing to read 'NDc', with a horizontal line extending to the right.

NADINE DORRIES