Achieving Success, Aiming Higher

“The arrangements in Leicester provide the best example of how extra resources can be provided at a limited cost. The use of Muslim volunteers, trained by the Council to perform administrative and burial duties, has proved to be an innovative and effective way to bridge the gaps”

- Bruce George MP (‘Muslim Burials in Walsall: a Case for Reform’)
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1. Achieving Success, Aiming Higher

1.1 Introduction

The Muslim Burial Council of Leicestershire (MBCOL) is an innovative and unique voluntary organisation that has successfully driven cost effective initiatives in the culturally sensitive area of bereavement and interment. Its work has been groundbreaking and has been recognised as the definitive model for good practice locally, nationally and internationally. This document seeks to explain this and how it has been achieved.

In addition it also seeks to explain the importance of MBCOL’s work and the contribution that MBCOL has made in the short time that it has been in existence. It will also seek to explain the valuable and pivotal contribution MBCOL gives in matters relating to the diversity agenda and also maintaining social cohesion and stability amongst our various faith and non faith communities.

“We want to generate vibrant local democracy in every part of the country and to give real control over local decision and services to a wider pool of active citizens” - (“Communities in control - Real People, Real Power” – Communities and Local Government July 2008)

1.2 Context

In order to fully appreciate and understand the work that MBCOL have been involved in one needs to have a clear understanding of the context and background. The context that we speak of covers various issues such as the social, religious context and including legal and financial matters. All these factors are crucial in understanding why MBCOL exists at all.

MBCOL initially started out as an organisation that was created in August 1994 to coordinate the activities of all the Mosques in Leicestershire in order to deal with and arrange for funerals for members of the Muslim community. MBCOL has worked and continues to work across the sectarian divide. MBCOL initially sought to bring about a system whereby burials could take place quickly, efficiently and cost effectively and also to assist all other agencies that would normally be involved in this process. Such was the success of this organisation that within 14 months of its inception, in October 1995 to be precise, MBCOL signed what has later been seen as a historical legal agreement with the Leicester City Council. This was the first kind of an agreement that had been reached in Europe and it gave MBCOL delegated authority to carry out the administrative tasks that was necessary for a burial to be effected. This would mean that MBCOL would be involved in the appropriate reporting procedures and making arrangements with designated members of staff and also liaising with other partner agencies. Ultimately this was to create a structure which enabled burials to take place seven days a week at the Saffron Hill Cemetery in Leicester. Since 1995 MBCOL have gone on to register as a Charity and currently operates as a Limited Company by Guarantee with an elected Board of Trustees. There are robust and transparent rules of governance together with accounting procedures and funding controls in terms of budgets which are regularly disclosed to the local authority.
The legal context is also important. Within this we naturally start with the Human Rights Act 1998. This Act of Parliament gave legal effect to citizens of the UK to fundamental rights and freedoms. These fundamental rights or freedoms were initially set out in the European Convention on Human Rights. These rights not only affect matters of life and death like freedom from torture and killing but also those rights in everyday life in terms of what to do or not to do. The human rights that are dealt with under this piece of legislation are as follows –

1. The right to life
2. Freedom from torture and degraded treatment
3. Freedom from slavery and forced labour
4. The right to liberty
5. The right to a fair trial
6. The right not to be punished for something that was not a crime when you did it
7. The right to respect for private family life
8. The freedom of thought, conscience and religion
9. Freedom of expression
10. Freedom of assembly and association
11. The right to marry or form a civil partnership and start a family
12. The right not to be discriminated against in respect of these freedoms
13. The right to own property
14. The right to an education
15. The right to participate in free elections

One can see that the rights listed above are fairly wide ranging and cover various spheres of all of our lives. The one that we are concerned with in relation to the work that MBCOL is involved with is the freedom related to religion. Many have attempted to try and encapsulate a definitive explanation as to what this means. One possible definition is that freedom of religion is the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship and observance. It is generally recognised to also include freedom to change religion or not to follow any religion. Freedom of religion is therefore considered by many in our world today as a fundamental human right.

“Helping people to achieve social change and ensuring organisations can meet their legal and moral responsibilities under equality legislation and the Human Rights Act” - Bringing people together: Business Plan 2008/9 - Equality and Human Rights Commission

This then brings us to our diverse communities here in Leicestershire which are drawn from numerous cultural, social, faith and non-faith backgrounds. These communities have various needs depending on their own particular background, social status, cultural beliefs and matters related to faith. It is this that MBCOL has attempted to address in the work that it currently does today.
We also need to look at the historical context to get a much deeper appreciation of the importance of MBCOL’s work. One of the key pieces of the legislation was the Burial Act of 1857. This was an Act that was passed in parliament and its purpose was to regulate burial grounds. Burial grounds were areas where the deceased was to be buried, it also regulated how the deceased was to be buried and also provided specific rules in relation to exhumation of remains. Prior to this landmark piece of legislation the practice of burial was remarkably different.

From about the 7th Century in most European countries, including Britain, burial was under the control of the Church and could only take place on consecrated church ground. The practices varied slightly depending on one country to another but essentially on the whole bodies were usually buried in mass graves until they de-composed. The bones would then be exhumed, collected and stored in ossuaries either along the arcaded bounding walls of the cemetery or within the church under floor slabs and behind walls. An ossuary is essentially a chest or a building or sometimes a well which was a site of the final resting place of human skeletal remains.

At about this time the whole business of burial was often inextricably linked with one’s nobility and social status. Important people and members of the nobility and other individuals of high status would be buried in individual crypts inside or beneath the relevant place of worship, which would usually be the Church. The crypt would be marked with the individual’s name, date of death and another biographical date. In Europe this was often accompanied with a depiction of the family coat of arms and other such insignia.

Changes then occurred in the late 18th and early 19th century which led to the burial of the dead in graveyards being discontinued altogether. These led to the creation of burial grounds as we see them today. There were many reasons for this as follows-

1. There was a very sharp rise in the size of the population in the early stages of the industrial revolution which meant that more people soon required to be buried hence leading to an increased demand for land.
2. Continuing outbreaks of infectious deceases in towns and cities due to poor public hygiene which led to many graveyards being located within town and city boundaries.
3. There was a limit and lack of space in graveyards for new headstones and dead bodies.

As a consequence of these pressures city authorities, national governments and religious institutions such as the Church all changed their regulations for burials. In fact in many European countries burials in graveyards were outlawed altogether either by Royal decrees or specific legislation.

Accordingly what had occurred now was that there was an assumption that fell now on local authorities to provide for and regulate the burial of the deceased. In fact in most places in Europe new places of burial were established away from heavily populated areas and outside of town or city boundaries. In the modern day many such cemeteries have become municipally owned and thus independent from Churches and Church yards.

This brings us to the modern system today. The whole business of dealing with interment of bodies and burials in this country is very much a multi agency task. We have local authorities that regulate burial ground, as explained earlier. When a death occurs the Police can invariably get involved and
even the Coroner’s office can become engaged if appropriate. The Police Coroners are looking at matters along the lines of criminal liability and in some cases leading to matters of civil liability and which can be taken through criminal or civil courts in the event of death with the appropriate liability established. The other agency is the Registrar of Births, Deaths and Marriages. The Registrar has specific obligations to ensure that there is proper recording of births, deaths and marriages. All these agencies need to engage and work together cooperation is absolutely vital for this.

MBCOL as an organisation fits into this multi agency arrangement in that under its Legal Agreement with the Local Authority it had delegated authority to carry out administrative functions and production of the appropriate and relevant documents and also to collect payment and to pay appropriate costs and thereby facilitate early burial. The Registrar’s office and the Coroner’s office continue to play a role, these statutory agencies have recognised the need that the Muslim community has identified and have cooperated in the implementation of an out of hour’s service. Without the cooperation of all these agencies it would not be possible to make arrangements for early burial.

“We want to see public services and public servants in tune with, and accountable to, the people they serve” - Rt. Hon. Hazel Blears MP - (“Communities in control - Real People Real Power” – Communities and Local Government July 2008)

In terms of cost the work that MBCOL does is carried out by volunteers. We would say that the arrangement works to the definite advantage of the public purse simply because there is no added cost to the Local Authority yet there is delivery of a first rate service. At the same time the volume of work for the Local Authority is considerably decreased

Does the out of hour’s system which currently operates amount to preferential treatment of one community over another? This is a question that has often been raised. Our answer is emphatically and absolutely not. The Muslim community has specific needs based in faith and is underpinned and supported by legislation and acts of parliament as mentioned earlier in this document. The local authority has an obligation to provide and regulate burials and this arrangement is to the mutual benefit of the local authority and the Muslim community. In term of extrinsic evidence we would point to the map of Authorities in other parts of the country which have analysed the MBCOL model for adoption.

This is in MBCOL’s view a definitive endorsement that such a service is just and appropriate and does not prejudice the public purse. The need that is given adds to social cohesion in our diverse communities. More importantly there is nothing within the legal agreement that prohibits MBCOL from carrying out a funeral of a non Muslim. It is absolutely feasible that non Muslim person wanted a burial to take place quickly and out of hours then MBCOL would be that organisation to make those arrangements.

There is, unfortunately, a misconception that the whole idea of swift burials is only something that is required by the laws of the Muslim faith. This in fact is untrue. The other faith communities such as the Jewish also have this requirement and on speaking to other faith groups they also seem to endorse the concept of early burial and something that should be offered as a choice to those who feel that they require it.
The other key point to note is that MBCOL has developed its work in other areas not just in the provision of out of hour’s burial services. MBCOL through its charitable work has managed to secure support of volunteers and also donations from the community which has enabled MBCOL to provide a funeral vehicle to the public for the transportation of the deceased. MBCOL has worked to setup a support network within the Hospitals and the police to work with these organisations in the relation to the movement of bodies. MBCOL has also engaged itself in working with the chaplaincy services within our local Hospitals and has also been involved in training of health professionals and also members of the Leicestershire Constabulary. In 2006 MBCOL produced its first publication entitled “Guidelines of Death and Burial of a Muslim”. This has received positive comments and indeed its success has triggered additional work that MBCOL intends to undertake in producing a more detailed and in-depth second publication that will deal with other faith groups.

MBCOL has also received recognition from Her Majesty the Queen in being awarded Queen’s Award for Voluntary Service. This honor recognised the pivotal and important work that MBCOL has undertaken and it has gone beyond simply providing an out of hour’s service. Included in this document is an appendix of documents that is evidence of the wide ranging work that MBCOL has been involved in and the comments and responses that MBCOL has received from various quarters.

Our work around the issue of near virtual autopsy is gathering pace. This involves replacing traditional invasive post mortems with modern scanning techniques. We are working with the University of Leicester and the Department of Health on this. We hope that this will be implemented nationally. Traditional autopsies due to their invasive nature can be very distressing to loved ones. These feelings were clearly felt when we had the “Organ Retention” scandal at Alder Hey Hospital. Our work with the University has been fully supported by all major faith institutions particularly the Jewish community. We are confident that if proven successful, virtual autopsies could change the face of pathology around the world.

The funding structure of MBCOL is still evolving and it is hoped that this will continue to develop and that the support of all the agencies in the City and County continue in the years ahead.
2. **Our Consultation Contributions**

This section will highlight some of the high-profile consultation activity which MBCOL has been involved with. We believe that successive invitations from national and local government institutions to seek our opinion on key matters are a solid recognition and stamp of approval of our work.

2.1 **Centralised Services Project**

MBCOL has over the years sought to develop a project that would provide centralised funeral service. The Trustees of MBCOL have remained actively engaged in developing this aspect of MBCOL’s work.

The proposed project will include the provision of a complete and comprehensive interment service to serve and cater to the present and future needs of the diverse communities of Leicester. The project will provide a counselling service, educational activities, training and resource centre to enhance its core function. The project will operate in partnership with the statutory authorities and is formulated to relieve the ever increasing burden placed upon them.

MBCOL works in partnership with the following agencies, Leicester City Council, Leicestershire County Council, Borough of Oadby & Wigston Council, University Hospitals of Leicester NHS Trust, BUPA Hospital, East Midlands Ambulance & Paramedic Services, City and County Registrars Offices, HM Coroners and Leicestershire Constabulary.

In an effort to build on these partnerships, MBCOL has held annual networking events. In addition to our statutory partners, MBCOL’s member organisations are also invited to listen to high profile keynote speakers such as Sir Peter Soulsby MP and the former Secretary of State for Health, the right Hon. Patricia Hewitt MP.

These events are held with the aim of improving our working relationships and to improve services wherever possible in relation to obtaining the necessary support for the community and to obtain the essential educational information necessary to comply with the contractual obligations. This event is also when MBCOL first unveiled its Centralised Bereavement Services Project.

One of the main aims and objectives outlined within the MBCOL Constitution is the advancement and education of the public in relation to Muslim burial practices. This objective which formed part of the pre-contractual negotiations with the Leicester City Council has been vigorously pursued over the years. It has been the initiative behind the first MBCOL handbook and other smaller publications. It has also been the motive behind the training MBCOL provides for the Police and nursing staff at Leicester’s main hospitals and more recently the Master’s course at the St Philip’s Centre. It has also driven the current and ongoing work with the eight faith book on burial.

The value of the MBCOL is immeasurable. Since its inception MBCOL has seen a significant increase in users of its services reflecting the increase in the Muslim population in Leicestershire and this is predicted to continue in the future.

**Summary** - MBCOL is looking to provide a Centralised Funeral Service which has the support of the community, its principal funding body, Leicester City Council, local councillors, Leicestershire
Constabulary and other key organisations as mentioned above to enable us to create a single point of contact and service for our communities. A centralised service will allow the Muslim community to access interment services under one roof. Other than the necessary interment provisions, the facility will also incorporate training rooms, a bereavement counselling service and educational resources. The project proposal itself has involved considerable local consultation and recognition of the distinguished services which MBCOL aims to provide.

2.2 ‘Muslim Burials in Walsall: a Case for Reform’, Bruce George MP (Walsall South) and Rose Burley (Head of Constituency Office) – (extracts)

What recommendations can be made for Walsall in light of arrangements in place in other Local Authorities?

It is reasonable to assume costs will increase if service provision is enhanced. This may be an obstacle to greater provision, especially in light of current funding problems and also considering that the Muslim community already considers the costs to be excessive. The potential problem is quite easily surmountable. The arrangements in Leicester provide the best example of how extra resources can be provided at a limited cost. The use of Muslim volunteers, trained by the Council to perform administrative and burial duties, has proved to be an innovative and effective way to bridge the gaps.

Leicestershire Muslim Burial Policy

The authors are paying special attention to Leicestershire because it represents in their view "best practice", or to put it even more positively, it is the gold standard of the UK. We are not arguing for a simple transference of all policies and experience to Walsall, but there is a great deal to be learnt. The authors visited Leicester as guests of The Muslim Burial Council of Leicestershire (MBCOL). We were accompanied by representatives of the Walsall Muslim Burial Committee. Bruce George also spoke with his Parliamentary colleague, Sir Peter Soulsby, the former Mayor of Leicester, who played an enormously important role working with the political parties and the Muslim community in establishing and sustaining a process that is being followed by many authorities both in the UK and abroad. We have also consulted a number of documents produced by the MBCOL notably the Centralised Bereavement Services Project, Statutory Duty for Doctors and Other Public Personnel to Report deaths to the Coroner, the MBCOL Annual Report 2007 and their 91 page Guidelines on Death and Burial of a Muslim.

The organisation was set up in 1994 with the aim of bringing together senior representatives of all mosques in the county to evolve policy. A year later the fruits of their endeavours resulted in an agreement with Leicester City Council. This legal agreement conferred
upon the MBCOL the legal authority to carry out burials at Saffron Hill Cemetery every day of
the week. Such is its legitimacy that designated members have been given the keys allowing them
access to the cemetery at weekends and bank holidays allowing funerals out of normal hours such
as at weekends and bank holidays. They can coordinate with other organisations involved in
expediting the burials process such as Coroners.

What was remarkable was the agreement by the City Council to transfer many powers to the MBCOL,
including an arrangement for specifically identified members to hold keys to the cemetery which
permits access at both weekends and Bank Holiday, even in hours markedly different than the
restricted times permitted in most other authorities. The MBCOL also enjoys the trust of the
relevant statutory authorities which enables the expeditious handling of the requisite legal process,
for example Registrars are on standby who may be contacted by mobile phone. Funerals in the
city can therefore be conducted out of business hours. There is in essence a partnership
between the various authorities and MBCOL and this has been recognised by numerous awards. One
can contrast this with the sometimes tense relationship in other municipal areas. The reasons for its
considerable success have been identified and recorded in MBCOL’s Centralised Bereavement
Services Project, which may be helpful to Walsall in considering future policy.

They include —

- Well established and first point of contact for the Muslim Community as a whole
- Provision of out of hours service
- Provision of information, help and assistance relating to interment
- Close and unique working relationship with Leicester City Council
- Involved with consultation programs with local and central government departments
- CCTV covering the Muslim sections of Cemeteries
- Established partnerships and recognition from a number of organisations
- Recognised nationally as a provider of key burial services to the Muslim community
- Effective organisational structure and support, founded upon dedication of management and
  volunteers and their ability to communicate and interact with the community. These include
  directors from the business community along with solicitors who provide their services
  without remuneration
- A cooperative work environment and low overheads
- Provider of a unique and invaluable service to the Muslim Community
The Muslim Burials Committee in Walsall has informed the Council that their aspirations include a number of these policies implemented in Leicester. A number of components have been implemented that have strengthened its services. These include a dedicated secure mortuary available to the Coroner; a fast-track postmortem facility, a training centre for staff from the voluntary and statutory sectors, a bereavement counselling service, a community hall, a bathing and shrouding facility, a resource and research centre, a purpose built funeral vehicle, the organisation of relevant conferences exhibiting their services at interested national and international conferences, and an extensive website.

We referred earlier to their guidelines on death and burial of Muslims. Most local authorities produce documentation, though of varying quality, and some have a better tale to tell than others. The MBCOL's booklet lays out very clearly the legal requirements and necessary documents such as the medical certificate, Formal Notice given by the Doctor and referral to the Coroner if necessary. It goes into some detail on the role of the Coroner. There are sections on the role of the police in certain circumstances which might include an investigation and report. There is a section on registration of the death and on the role of the Leicester City Council Cemeteries Department. There are sections more specifically aimed at Muslim Burials. There is a lengthy section on whom to contact i.e. the Cemeteries Office, the City and County Registrars, HM Coroners, Hospitals, and the police.

We reiterate how important it is for local authorities to beat a path to Leicester to see where lessons may be learnt.

**Other lessons to be learnt**

Finally, Walsall should give serious consideration to introducing elements of the system that exists in Leicester that is carried out under the auspices of the Muslim Burial Council of Leicestershire and which is highlighted in this study. After extensive discussions with the Muslim Burial Committee and other stakeholders, it is felt that such a system would operate well in Walsall and meet the aspirations of the Muslim community on this very sensitive issue.

**Recommendations:**

1. We hope Council Officers, and senior elected members can engage in further consultation with the Muslim Burial Committee to seek further progress.

2. That further studies will be undertaken to ascertain best practice and seek to move closer to, if not actually achieve, relative equivalence.

3. To explore different alternative models where it has been proven they are acceptable and cost effective. In a number of local authorities out of hours services upon agreement can be transferred to trained and legitimate members nominated by representative bodies and members of the Muslim community. This process is exemplified by the Leicester experience. We believe they are worthy of close consideration. There are models of contracting out that may fall short of the
Leicester model but will still be cost effective, efficient, and meet the Council’s requirements of health and safety, legality etc. Consultation should be broader than simply embracing the local authority and Muslim Burial Committee to ensure any agreements are widely accepted.

**Examples of Best Practice (snapshot)**

There are a number of local authorities that should serve as a potential model should Walsall decide to improve its provision. Clearly the doyen of local authorities is Leicester City Council which has worked consistently over a long period to manage the substantial migration into the city and create a genuine multi-cultural and multi-faith city.

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**Summary** - This consultation was triggered by the MP of Walsall South, Bruce George and the head of his constituency office Rose Burley, in response to the need to reform burial services in Walsall to meet the requirements of the local Muslim population. The above are extracts from their final report. The report is full of praise for the work of MBCOL which is nominated as a model of best practice in this area. The cost-efficiency of our activities to local authorities has also been highlighted. It also recognises the role of the Leicester City Council in encouraging and supporting such community initiatives.

### 2.3 House of Lords inquiry into the issues raised by the European Commission Communication: Organ donation and transplantation – policy actions at EU level

**Q1. Please would you describe any particular aspects of organ donation and transplantation which are considered ethically problematic within the contact of your organisation’s religious beliefs – as these are perceived: (a) within the UK; or (b) in the EU Member States?**

1. The interference and or the violation of the human body, whether living or dead, are prohibited in Islam. This concept has been applied in many differing ways by the Muslim community with regard to matters that relate to organ donation and transplantation.

The application of this concept has in some cases been more rooted in cultural attitudes than strict application of Islamic (Shariah) Law.

One fundamental aim of Shariah Law is the positive injunction for believers to save life. Islam places a very high value on life.

As with some of the prohibitions there is a balance that needs to be struck. This balance is achieved by the prohibition being waived in some instances. These are in cases of necessity; to
preserve the life of others and of one self. This is the Islamic legal maxim of “al-darurat tubih al-mahzurat” (necessities overrule prohibition). This has great relevance to organ donation. This can be seen in the Quran when Allah declares:

"Whosoever saves the life of one person it would be as if he saved the life of all mankind."

Holy Qur’an, chapter 5 vs. 32

Many Scholars in Islam have examined this issue and the points that flow from opinions appear to be as follows:

a. Medical professionals should be entrusted in defining “death” by clinical criteria and this is a question of medical fact rather than one of religious analysis.

b. We should accept brain stem death as the proper definition of the end of life.

The ethical questions in transplantation relate to the source of donor organs e.g. anencephalic donors, cadaveric donation which is still controversial in some countries, paid living donors, donation under coercion or by minors, and by patients in a persistent vegetative state as well as organs from animals (xenotransplantation). The other major ethical issue has to do with equitable distribution of organs.

For these opinion makers the facts point to the fact that organ donation is permitted.

The issue therefore would also require analysis of all cultural perspectives in the UK.

Q2. Please would you explain if there is any significant tendency for individuals from your faith group to oppose organ donation either for themselves or for a family member on the basis of their own interpretation of the religious teaching of the group, rather than on the basis of that teaching is more generally interpreted. If so, how, if at all, do you think this tendency might best be addressed?

2. The tendency for opposition to organ donation tends to be based on both individual application of what individuals believe and what some Muslim scholars say about the human body and parts. The human body is a trust (amanah) that has been given to us by God as such; it will be impermissible for one to donate any organs of his body. In view of the above and other evidences, according to these scholars, it is unlawful to donate and transplant organs, whether it be of a living person or a dead body, and whether there is a need or otherwise. In other words, there is no permissibility whatsoever for the transplantation or donation of organs.

One way to address this would be for institutions to engage with the Muslim community in order to clarify the particular aspects of Sharia (law) relating to this area. It must be understood that, even in this instance, people will still want to exercise their own personal
right to refuse for their own personal reasons. This personal choice of course may be true of all people regardless of their faith.

**Q3.** To what extent would a change to a system of presumed consent of organ donation in the UK (under which everyone would be assumed to have consented to donate their organs after death unless they explicitly opted-out from the system) be ethically acceptable for your faith group?

3. We do not believe that a system of “presumed consent” would be appropriate. The idea of people having to “opt out” is in our view inappropriate when we look at the fact that ones organs are being used. Personal and cultural feelings about ones body are intrinsically very problematic. We can envisage families raising legal, moral and ethical challenges against the medical profession when they are opposed to one of their loved ones bodies being used in this way. We all sensed that extreme concern and discomfort when we learnt of the Alder Hays organ retention scandal. It would not be ethically or religiously acceptable to us.

**Q4.** If presumed consent were to be introduced in the UK, what would be your views about the idea that members of any particular groups should be assumed to be opted out as a whole without the need for individual opt outs? (An example of this is in the case in Singapore, where Muslims are assumed to have opted out unless they expressly opt in).

4. We do not accept that the concept of “opting in” or “out” would be acceptable. What we would recommend is that all GP’s and Hospital Doctors should be placed under an obligation to get each of their patients to declare their decision as to organ donation. There also has to be a distinction between those donations that are for the purpose of helping to save a life and organ donations for the purpose of clinical research only. There should be a clear instruction as to what part of the body or organ (or part of an organ) is being donated. The patient should be able to withdraw any such consent given at any time and this can also be determined in any testamentary document such as a Will. Lawyers should be encouraged to advise their clients to draw up Wills and to address this issue in it. This is creating a system where people are encouraged to apply their minds to the issue of donating their organs and to make an informed decision, which is what Islam requires. The intent of the deed is paramount, rather than the issue being determined on your behalf by others. It also follows that we firmly believe that organ donation must be given freely, without reward, and trading in organs is strictly prohibited.

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**Summary** – This consultation was undertaken in February 2008 and dealt with an area of immense moral, ethical and legal complexity. In summary, our response covered the following topics:

- Background to the shari’ah issues and ethical concerns around organ donation
- Our opposition to ‘presumed consent’ on ethical grounds
- Our defence of the right to choose to donate in all circumstances
- Promoting increased opportunities for people to think about organ donation
- Our opposition to ‘organ trade’
- The need to clarify whether organ donation is for use in treatment or research

It is evident that articulation on such matters requires appreciable knowledge of the concepts concerned as well the community perceptions. This highlights the invaluable link we have between policy-makers and grassroots communities.

2.4 Statutory Duty for Doctors and Other Public Staff to Report Deaths to the Coroner

(A consultation produced by the Ministry of Justice) September 2007

Introduction

The responses to the questions set out have been considered by the Board of Trustees of the Muslim Burial Council of Leicestershire (MBCOL) of 394 East Park Road, Leicester LE5 5HH United Kingdom. Consideration has been given to the issues by the Trustees. The responses given in this document are based on MBCOL’s own experience in the way that it has operated for the last few years. The Trustees of MBCOL recognise that the answers given in this document is not meant to be in any way final or complete. In addition it must also be noted that the responses set out in this document reflect the majority opinion held by the different schools of thought of Islamic jurisprudence.

Q1: Are these the right types of public service personnel who should be given a statutory requirement to report a death to a coroner?

If not, who else should be placed under this duty and why?

Are there authorities on this list who do not need to be?

1. The list of those personnel who should be given a statutory requirement to report deaths to the Coroner should be restricted to Prison Governors and Police Officers, adopting the New Zealand model through its Coroners Act of 2006

Q2: Do you believe the proposed list of reportable deaths to the coroner is workable, effective and proportionate?
2. We would adopt the reportable deaths in accordance with the New Zealand model with amendments to “When a person dies while under anaesthetic or during or following a medical procedure, or as a result of anaesthetic or a medical procedure” by including “any deaths resulting from defective treatment or adverse reaction to prescribed medicine” and also including “deaths relating to employment”

Q3: Are there any additional circumstances not mentioned in the proposed list where you believe there should be a statutory duty to report a death to the coroner?

3. MBCOL feel that additional circumstances not mentioned in the proposed list should cover deaths occurring abroad and particular issues affecting the Muslim community such as those people who travel to other countries on pilgrimage, religious visits and deaths abroad. For example where death has occurred as a result of honour killings. These additional circumstances would only be for British citizens.

Q4: Are there any circumstances where deaths are reported to the coroner unnecessarily? If yes, please specify. (Please do not mention deaths occurring outside of England and Wales in this section.)

4. Yes there are circumstances where deaths are reported unnecessarily to the Coroner. From MBCOL’s experience these would include deaths that have occurred through a long and protracted illness and old age where time limits are arbitrary

Q5: Do you agree that the 14 day rule is arbitrary and unnecessary? If not, what length of time limit would you suggest?

5. Yes the 14day rule is arbitrary and unnecessary as it doesn’t create any safeguards. MBCOL believe that it should be on a case by case basis and there should be some scope for discretion in each individual case

Q6: Do you believe that a deliberate or wilful failure to discharge this duty on the part of a doctor or other public service professional should be dealt with as a criminal offence as described? We would be interested to hear any reasons behind your views.

6. MBCOL believes that where there is a wilful failure to discharge a statutory duty by those persons listed in the act it should be treated as a criminal offence. The reasons behind our views would be to protect the rights of the individual and to prevent possible collusion to hide a criminal death.
Q7: Do you agree that the most appropriate sanction is through the employer’s code of conduct and the relevant professional regulatory body? Again, we would be interested to hear any reasons behind your views.

7. MBCOL do not believe that sanctions through the employers code of conduct or a professional regulatory body is appropriate. MBCOL believe that it should be subject to the criminal procedures that are in place and that any investigations should be carried out by the Police and that the sanctions should be decided by the criminal courts.

Q8: Do you believe that these sanctions will fit with the Government’s White Paper, “Trust Assurance and Safety – The Regulation of Health Professionals in the 21st Century”? If not, please give your reasons.

8. Yes MBCOL believe that the sanctions as we have set out in our response to question 7 would satisfy the “Trust Assurance Safety” considerations in the Governments current White Paper.

Q9: Do you foresee any practical difficulties arising from the introduction of a second scrutiny of death certificates and the list of reportable deaths?

9. MBCOL believe that the practical difficulties of the introduction of a second scrutiny would be one of time and in terms of delay this would be a significant issue for Muslim, Jewish and other faith groups that require early burial.

Q10: Do consultees agree with the principles which will inform a reporting system?

10. MBCOL generally agree with the principles of the reporting system however we have concerns in relation to any delays these principles may cause. Reducing delays is paramount for MBCOL as this is a requirement of the Islamic faith. MBCOL believe that this is not an exclusive view held by the Muslim community but is also shared by the Jewish and other faiths.

Summary – This consultation in September 2007, dealt with fine legal points, processes and safeguards in cases of death which are referred to the Coroner. MBCOL has argued in this consultation for the need to move to the New Zealand model in relation to restricting such reporting to prison governors and police officers. We have also expressed our opinion regarding the list of reportable deaths, in particular to include deaths caused by employment and deaths occurring abroad with specific reference to ‘honour killings’. We have also argued the futility of the 14-day rule in providing safeguards to individuals and proposed a flexible alternative.
2.5 Burial Law and Policy in the 21st Century


Introduction

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MBCOL envisage a system whereby there is a creation of a National Burial Authority. This body would control and direct the activities of a locally appointed Burial Board who work directly with a local authority and that the management and decisions relating to burial grounds are made by the locally appointed Burial Boards in conjunction with the local authorities. In addition matters of grievances would be dealt with by a tribunal convened by the local Burial Board and any rights of appeal would then go to the Coroner and rights of appeal thereafter would be subject to judicial review in the high Court.

Q1: The Government believes that any review of current burial law needs to address the case for legislation applying to all burial grounds consistently, even if some burial grounds, such as Church of England churchyards, were to continue to be subject to relevant ecclesiastical law. It would accordingly welcome views on:

a. Whether there should be a single statute to establish the broad framework in which burial grounds should operate;

b. What aspects that broad framework might or ought to include (and what might be better left to other areas of law, such as planning);

c. Whether there should be exceptions for different providers, or different types of burial ground, and, if so, what those exceptions might be.

1. 

   a) MBCOL are of the view that there should be a single statute to establish the broad framework in which burial at grounds should operate.

   b) MBCOL feel that the broad framework should encompass planning issues and in particular the town and country planning act. Local authorities should be given delegated powers to provide appropriate resources in relation to the provision of burial grounds.
This should be a provision to all people that live, reside and work within their authoritative areas.

c) MBCOL believe that exceptions for different providers should not apply. However particular spiritual and religious needs should be met.

Q2: The Government would welcome views on whether provision of burial grounds should be left to the market, or whether there should be a statutory obligation on local authorities to provide burial facilities.

2. MBCOL take the view that the provision of burial grounds should be made a statutory obligation on local authorities to provide burial facilities. However how the facilities are resourced and managed should be left within the local control of local authorities and local authorities should be free to negotiate and engage with different sections of the faith community to provide such provision. This allows different authorities the flexibility they need in order to meet the particular requirement of the local area where they operate.

Q3: The Government invites views on whether any change to the existing discretionary powers of local authorities to provide burial grounds should be based on a requirement to make an assessment of community needs, for example, every 10 years (geared to statements in their Local Plan); to take account of all local existing non-municipal burial facilities (and any reusable sites, if appropriate – see Part D); to ensure adequate provision for particular cultural and faith needs, and for diversity of demand. The Government does not believe that diversity can necessarily be achieved at the lowest tier of local government, and that the aim should therefore be to provide adequate diversity of provision at district/London borough level.

3. MBCOL believe that diversity can be achieved at local authority level. The experience of MBCOL within the city of Leicester is a positive one. The Leicester City Council have engaged positively with the Muslim community in making provisions and meeting their diverse needs. This response in based on the experience of MBCOL in Leicester. MBCOL cannot of course make any other comment about the approaches and attitudes taken by other local authorities in other parts of the country. The Trustees feel that this methodology should be adopted and replicated in other parts nationally.

Q4: The Government would welcome comments on the practicalities of requiring such needs assessments, their frequency and scope, and the implications for practice in relation to the compulsory purchase of land. It would also be helpful to receive views on how parish, town and district Councils, local authorities in Wales, Church of England and Church in Wales diocesan and other religious authorities, might work together to provide an appropriate level and variety of burial facilities for all their communities.

4. The response from MBCOL is based on its experience with the local authorities and the work that has been carried out within the city of Leicester between the various faith groups. As
some of the Trustees of MBCOL already engage in community work with other organisations such as the Leicester Council of Faiths, MBCOL envisage that it would be appropriate for local authorities to produce representations from various sections of the community. There would be a formation of a Burial Board who would be volunteers in the first instance and the Burial Board would be drawn from various faith groups or interest groups and would work directly with local authority officials in supporting and delivering the specific needs of the particular area.

Q5: If diversity of provision is important, but it is not feasible to provide such diversity within first tier local authorities, is there a case for restricting the power to establish burial grounds to district-level authorities only, or even to county-level councils (or unitary authorities in Wales)? Or can adequate, diverse, local, facilities be provided through consortia of district level authorities? Or would some other tier of government, or other mechanism, be appropriate?

5. MBCOL believe that if the suggestion of having a locally appointed Burial Board could be established by statutory obligation upon the local authority to make provision then diversity of provision would be met the appropriate tier of government in view of MBCOL is at local authority level.

Q6: Views on the viability and practicality of leaving responsibility for local authority burial grounds within first tier councils are invited. Views would also be appreciated on the potential benefits of larger scale burial authorities, for example economies of scale in terms of training and developing expertise.

6. MBCOL believe that viability and practicality can be achieved with locally appointed Burial Boards that would be under the control and supervision of a national body which could be referred to as the National Burial Board. A comparison would be that of the Housing Corporation being a national organisation that engages at local level with local Housing Associations in the provision of social housing.

Q7: The costs of ensuring adequate provision of burial facilities are not strictly an issue for consideration within a consultation exercise on burial law, but views on the financial implications for first or second tier local authorities of any obligatory provision of burial facilities would be welcome.

7. MBCOL believe that the financial implications of the implications of the provision of burial grounds are a matter for local authorities to deal with, local authorities obviously need to make whatever changes they consider to be just and fit in order to meet its statutory obligations if any such are imposed.
Q8: The Government believes that while the information required can normally be expected to be provided voluntarily by the various cemetery managers, statutory authority to obtain the data would be desirable and a statutory obligation to report on the opening of cemeteries would provide an essential mechanism to ensure that central information was up to date. Views on the need for such provisions are invited.

8. MBCOL believe that there should be a statutory obligation to provide information, data and to report on the operation of burial grounds. The additional matter that MBCOL would stress would be that there ought to be some mechanisms as to enforcement.

Q9: The Government would welcome views on the case for additional regulation of the detailed aspects of cemetery operations set out in the above paragraphs, and in particular on the appropriate mechanisms for referral or appeal of any local decisions. One possibility would be for them to be made to the Home Office, as is already the case in some instances but alternatives might be more effective, such as a dedicated tribunal or other body.

9. MBCOL would strongly suggest that there should be a dedicated tribunal or body to receive complaints and grievances. MBCOL believe that the locally appointed board could appoint a tribunal of suitable persons to hear and determine such complaints. All rights of appeal are to be referred to Her Majesty's Coroner, further appeal would then be by judicial review to the High Court.

Q10: The Government would welcome views on whether a statutory obligation to bury or otherwise dispose of those who have died should be created. If so, on whom such an obligation should be placed, within what period of time, and what exceptions should there be (for example where the remains are required as evidence for a court case)?

10. MBCOL believe that there should be a statutory obligation upon the next of kin, if any, to bury or to cremate (if cremation is the tradition of that particular faith). In the event of the deceased not having any immediate family, MBCOL believe that the obligation should then fall upon the local authority in accordance with a statutory obligation that has been alluded to earlier. Any such burial shall be in accordance with the deceased’s faith. This shall include the carrying out of all necessary religious ritual and ceremony. In the event of any doubt as to the faith or any particular request of the deceased, the issue shall be determined by the tribunal as described in response to question number 9 above. The obligations therefore are on a hierarchy which MBCOL believes should be as follows -

a) Obligation on next of kin and family

b) Local authority.

In the event of the deceased having made a will then MBCOL take the view that the obligation should fall on the executors before the responsibility passes on to the local authority. In relation to the period of time that has been raised in this particular question and the exceptions MBCOL has always stated its position that within the Islamic tradition the burial
of the deceased needs to take place as soon as practicably possible. It is therefore MBCOL’s view that any statutory obligation imposed should recognise the faith requirements of the deceased person in question. MBCOL are of course acutely aware of the restrictions that currently exist in relation to post-mortems and Coroners inquests and those issues will no doubt remain intact.

**Q11:** The Government believes that there should be scope for improving the standards of maintenance, restoration and safety in burial grounds through more precise definitions, reinforced through more effective staff training and enforcement measures, underpinned by guidance and new funding schemes. Views are invited on whether this is the right approach, whether new legislation alone will deliver the benefits required, or whether funding issues also need to be resolved before substantial progress can be expected.

11. MBCOL envisages that in a situation where there is a National Burial Authority, it would be this National Burial Authority that would set minimum standards. They would provide recommendations of best practice and guidance on the appropriate approach to be undertaken and ensuring that resources are provided in the delivery of burial services. This would be fed through locally via the locally appointed Burial Board working in conjunction with the local authority having the statutory power to undertake the provision of burial services.

**Q12:** The Government considers that, on the whole, service standards can be improved by guidance rather than regulation, especially where it may take time for standards to be established and bedded in. But views would be welcome on whether it would be helpful or constructive to place obligations on burial ground managers to take account of guidance on these issues in planning for the future, or to consult relevant experts, for example, on the options available for developing the environment of their sites.

12. MBCOL believe that there would have to be regulations and that these regulations would have to have appropriate mechanisms where they can be enforced. MBCOL envisages that this would be done by a National Burial Authority.

**Q13:** The Government does not believe that it would be the task of an inspectorate to undertake all these functions, although, if such a body was established, it might well contribute to policy development, standard setting, training and research needs. Views would, however, be welcome on: whether compliance with regulation and good practice would be dependent on the availability of a field force to provide a local presence of experience and expertise; where that resource should be drawn from; whether a standing body would be needed or whether it would be feasible to draw on existing sources; what frequency of inspections might be required; what size of any standing body might be needed; whether all burial grounds should be subject to inspection, or whether some should be exempt (if so, which ones and why).
13. MBCOL believe that in relation to inspections and to deal with complaints the vision that MBCOL has in having a National Burial Authority it would be this authority that would deal with the development of policy in conjunction with locally appointed Burial Boards working with the local authorities.

Q14: Views are invited as to whether the case for an inspectorate has been made out, whether the costs are likely to justify the benefits, and whether the costs might more appropriately be recovered from the industry, rather than from the taxpayer, perhaps through a system of licensing cemeteries.

14. MBCOL believe that the creation of a National Burial Authority can be justified both from an economic point and from the point of achieving and meeting the diverse needs of multi-cultural and multi faith Britain.

Q15: The Government believes that it is right to continue to protect buried human remains from unauthorised disturbance. Where statutory provision has been made for remains to be exhumed or removed, it is important that the remains should be treated at all times with dignity and respect, however old the remains might be. The Government believes that disturbance may be justified only in limited circumstances: in the interests of justice (for example, exhumation on the order of a coroner); for personal reasons by the next of kin of the deceased; on grounds of public health or nuisance; in the public interest (in connection with site developments which have public or other planning consent); for scientific purposes (e.g. for archaeological research); for other exceptional reasons (the case for exhumation for the purpose of re-use of old graves is discussed below).

15. MBCOL has considered the comment made under this question. Strictly speaking whilst not phrased as a question the sentiments set out and the views expressed are supported and MBCOL has full agreement with the government’s belief as to the right to continue to protect buried human remains from unauthorised disturbance.

Q16: The Government would welcome views on whether these grounds are too narrow (or too wide).

16. MBCOL believes that in relation to an examination of exceptions and in particular for the purpose of exhumation of old graves should be a matter that needs to be agreed locally. This would be by the local authority and the locally appointed Burial Board and that the permission for disturbances has to be ratified by the locally appointed Burial Board and the local authority JOINTLY. In the event of no agreement between the local authorities and the locally appointed Burial Board the matter would then be referred to the National Burial Authority who would make the final decision.
Q17: The Government would welcome views on the case for licensing the disturbance of all human remains, cremated or otherwise, which have been interred or otherwise given a permanent resting place.

17. MBCOL take the view that the whole issue of granting permission for the disturbance of human remains should be vested by a joint permission being given by the locally appointed Burial Board and the local authority. MBCOL take the view that referring matters to the Home Office is overly bureaucratic and would delay strategic decisions that would need to be made, such decisions are often needed to be made quickly.

Q18: The Government would welcome views on whether: authority to license the exhumation of remains should be retained centrally; such authority might be delegated to the burial authority/burial ground manager; the criteria for the grant or refusal of licenses should be regulated in statute; there should be a formal appeal mechanism; fees should be charged, or chargeable; procedures and criteria should be more closely aligned with those relating to faculties; whether archaeological remains should be subject to the same regulation, or be unregulated, or more lightly regulated;

18. MBCOL believe that all the issues listed in this question could easily be issues that could be dealt with by the locally appointed Burial Board working in conjunction with the local authority. Obviously any regulations or standards of practice devised by the National Burial Authority would have to be taken into account.

Q19: It would also be helpful to have views on: what the criteria should be for the grant of licenses or faculties; how old buried remains might need to be to justify any relaxation of the regulation of their disturbance.

19. MBCOL take the view that the criteria as set out of the Government's views in question 15 should be the appropriate general criteria. Any exceptions would have to be considered on its own merits and MBCOL do not believe that there ought to be any relaxation of the regulation of the disturbance by reference to time. In other words all disturbances would have to be subject to permission which would have to be secured jointly by the locally appointed Burial Board and the local authority.

Q20: Views are invited on the case for the delegation of authority for the removal of remains in these circumstances, and to whom such authority might be delegated.

20. MBCOL believe that it would be appropriate for the authority to vest jointly with the local authority and the locally appointed Burial Board and that no authority is to be delegated to any other body.
Q21: The Government believes that statutory provision to require the removal of remains before a burial site is developed reflects a proper balance between the need for respect towards those who have died, sensitivity towards the bereaved and their descendants, and the interests of public and private sector developers. However, views would be welcome on: whether the existing legislation might be rationalised for general application; whether there is sufficient protection of the interests of those who have died and their families, for example in relation to the ability to prevent development, or to have the costs of re-burial reimbursed, or to restrict making the graves inaccessible; and whether the notice arrangements (two weeks) or the time allowed to make private arrangements for reburials (two months) are too short or too long; whether there might be circumstances in which the prescribed procedures should be de-applied, for example because the site or the remains are so old.

21. MBCOL believes that in relation to the removal of remains for the purposes of land development and use of graves, MBCOL believe that there has to be rationalisation of the existing legislation in relation to this particular issue and that a newly formed National Burial Authority is to set up regulations and guidelines as to best practice which would then be implemented by the locally appointed Burial Board working in conjunction with the local authority.

Q22: Given the sensitivities on this issue, the Government believes that the arguments in favour of the re-use of graves need to be tested, in particular, so as to gauge public concerns and acceptability, and to determine the practicality and economics of any new approach, having regard to the need for any exceptions and safeguards. Comments are therefore invited on the principle as to whether the disturbance of remains would be justified in the interests of preserving and funding local, viable burial grounds, and reducing demands for new land for burials.

22. MBCOL believe that the way to deal with this would be through the process as set out in answer to question number 21. MBCOL believes that it may be possible for some faith groups to accept the re-use of land to be re-used for the purposes of burial. In addition MBCOL is also acutely aware of the adverse effect this might have on certain sections of the community and also in particular certain sections of the faith communities. MBCOL believes that remains of those graves that have been removed could be recorded on permanent memorials at appropriate sites which could be reached with agreement at local level with the local authority and a locally appointed Burial Board.

Q23: Comments are invited on the potential impact of re-using graves on the character of a burial ground, and how any adverse effect might be mitigated. Views would also be welcome on how tombstones and memorials should be dealt with where graves were to be re-used (for example, new or additional memorials, additional names on existing memorials or the details of the further burials to be recorded in books of remembrance).

23. MBCOL believe that the way to deal with this would be by recording the details of graves that have been removed on a memorial, it may be that such memorials would be faith specific and the community could get involved in its management. MBCOL would also like to see records kept in a book of remembrance.
Q24: The Government would welcome views on whether the age of the grave should be the appropriate criterion to determine whether a grave might be re-used. If so, is 100 years the appropriate length of time? Should it be longer, or shorter? And if so, on what basis? Should there be any linkage to the time granted for exclusive rights of burial? Or to the 50 years from the date of burial which, under the Disused Burial Grounds (Amendment) Act 1981, qualifies the next of kin to prevent the development of a burial ground? Should re-use depend on a shortage of burial space in the particular local area?

24. The members of MBCOL are reluctant to commit a specific time line in relation to disturbance of existing burial grounds. MBCOL can state that within the Muslim community the contact with parents and grandparents in particular often tends to be fairly committed and fairly strong amongst members of individual families. It is the view of MBCOL and indeed the view of the Muslim community in general that we would not want to see the disturbance of graves of our parents and grandparents in our own lifetime. Accordingly, MBCOL believe that the minimum period should be 100 years.

Q25: Alternatively, might a more scientific approach be adopted which determined that only graves containing skeletal remains were used? Would this be practical? (Decomposition would mainly depend on local soil conditions, might not be accurately predictable, and might involve a period of time considerably longer or shorter than 100 years.)

25. MBCOL believes that scientific data and scientific research would be useful in being able to determine some sort of reasonable time line. Again this information and scientific study may be helpful.

Q26: The Government believes that, if graves were to be re-used, the lift and deepen method would be the preferred approach. Views are invited on any foreseen disadvantages of this method, or advantages of alternative methods.

26. The practice of burying at two levels below the soil level is possible and acceptable to some faiths and groups. However MBCOL would state that any such practice should have to be subject to consultation and approval with local communities from different faith groups.

Q27: It would also be helpful to have views on whether particular methods of re-using graves should be prescribed, or whether burial ground managers should be free to adopt whatever method appeared appropriate according to local circumstances

27. In respect of this question MBCOL would refer you to a response given to question number 26. In addition it may be useful for a further separate consultation to take place perhaps at local level between the local authority and the local appointed Burial Board to consider alternatives.
**Q28:** The Government would welcome comments on any or all of these factors.

28. MBCOL feel very strongly that all issues relating to this particular area would have to include religious beliefs and sensitivity to cultural heritage and of course environmental pressures.

**Q29:** The Government believes that local consultation about any re-use of graves would be essential, but that it would be important for such exercises to be undertaken on a consistent basis. Comments are invited on the need for consultation and what might properly be addressed in such consultation, including: best estimates of remaining burial space and demand; details of any additional burial grounds already earmarked or acquired, and reasons why it is not proposed to use them; details of any local burial facilities which will not be subject to a re-use scheme; proposed criteria for exempting graves or cemeteries from re-use, or details of graves and cemeteries already identified for exemption; proposed method of re-use; and implications for burial charges.

29. MBCOL believe that such consultation would be essential if there is going to be any long term and agreed development of proper policy.

**Q30:** Whether and how such consultation might usefully be undertaken jointly with other burial ground providers would be appreciated.

30. MBCOL believe that such consultations could be done by different local authorities. An example would be for the Leicester City Council to convene a consultation group from the faith communities and to collect the consultation data and views for consideration by central government.

**Q31:** The Government would welcome views on the proposed exceptions to any re-use arrangements, in particular: whether the exceptions proposed are the right ones, or whether there should be others; whether it would be right to enable exceptions, in effect, to be purchased; whether the criteria for identifying exceptions are sufficiently clear, or flexible, to be effective; and whether the need for sustainable land use is such that exceptions should not be permitted in any circumstances.

31. MBCOL believe that the whole issue of making exceptions is incredibly difficult. MBCOL are aware that there are different sections of the faith communities and indeed different subsections within the Muslim community that have important scholars and imams. Such individuals and senior clerics and indeed those religious and devout individuals who are recognised as such and achieve the status of sainthood may create difficulties. This is not a tradition simply restricted to Islam but the whole issue of sainthood can also be seen in the Catholic Church and in the Christian Church in general and also the issue of relics of human remains that are preserved in specialist mausoleums as practiced by the Catholic Church is an issue that will prove difficult. MBCOL believe that there will be some sections of the Muslim community that will want to have certain exceptions for specific individuals so that
there is no disturbance to their particular graves. At this moment in time MBCOL has difficulty putting forward any positive solution to resolve this issue apart from engaging in further consultation with specific faith communities. MBCOL believes that the exceptions identified at question 31 should be subject to further consultation with faith communities at local level in the manner indicated earlier.

Q32: The Government would find it helpful to learn what importance ought to be attached to the introduction of good cemetery practices prior to any adoption of a re-use regime.

32. MBCOL believe that good cemetery practices can be formulated in the manner indicated earlier in that guidelines can be drawn up by a National Burial Authority and a locally appointed Burial Board working with the local authority implementing them.

Q33: The Government would welcome views on: whether there is a need for additional regulatory arrangements before any reuse schemes might be introduced; what such arrangements might require (for example, regular inspection of cemeteries to assess general compliance with burial legislation or one-off inspections to determine suitability or competence to operate a re-use scheme); whether they might need to cover all burial bodies (including churches and private cemetery owners); and how best they might be put in place (for example, a new Government inspectorate, self-regulation, or the development of other regulatory bodies for the purpose).

33. MBCOL would refer to the response given earlier with the suggestion of the development of a National Burial Authority working with a locally appointed Burial Board with the local authority.

Q34: The Government proposes that, were it to be persuaded that the re-use of graves should be established, it would be right to leave decisions about whether to use such graves entirely to the individuals and families concerned. However, it would seem appropriate to ensure that the public was properly informed about the nature of any grave or grave space that might be purchased, both as to the fact that the grave had been previously used, and that it would be expected to be re-used again in due course. It would also be important to ensure that information about the availability of any virgin burial facilities was also provided in response to enquiry’s or applications to purchase a grave.

34. MBCOL believe that for the future development and sustainability of limited resources the re-use of graves should be something that needs to be managed, explored and if possible to be established. However the decisions about whether such graves are to be re-used should be left to individuals and families concerned. MBCOL hope that there will be an understanding of the rationale which hopefully would lead people to be more willing to agree to a re-use.
Q35: Should the practice of closing Church of England churchyards which are full by Order in Council be changed? If so, in what circumstances should decisions be made? Where a churchyard is full, on what criteria should it be decided whether it should be closed or provision made for reuse? In particular, what weight should be attached to the importance of the churchyard as an open space and the conservation of its character, including existing monuments? Should there be a procedure for declaring a churchyard full without formally closing it, so that special steps may be taken for its future use? Where a churchyard is full, should the Church of England and Church in Wales authorities be given statutory power to require the relevant local authority to provide for the cost of preparing the ground for reuse? Should there be provision for reopening closed churchyards at the request of the church authorities? If so, in what circumstances should such decisions be made and on what criteria?

35. MBCOL believes that statutory changes would mean that Church of England churchyards would have to be subject to the statutory regulations that MBCOL envisage and that this land would have to come under the control of the proposed National Burial Authority.

Q36: To what extent should special provision be made on theological, pastoral or other grounds for the reuse for burials of land, which has been consecrated for Christian burials by the Church of England or Church in Wales but which is part of a municipal or private cemetery rather than a churchyard, or for reuse of land set aside for burials according to any other particular religious tradition?

36. MBCOL believe that the issue of re-use for burials of land which has been consecrated by other faiths is not necessarily an obstacle so long as there is agreement between the various sections of the faith community that such re-use would be acceptable in accordance with faith and belief. The point that MBCOL would make on this issue is that it will insist on separate sections of land devoted for the burial of Muslims and that Muslims are not to be buried alongside non-Muslims. This is a requirement of Muslim law. The cemetery at Saffron Hill in Leicester is divided along such lines whereby Muslims are buried in separate sections from other non-Muslims.

Q37: The Government takes the view that unauthorised disturbances of human remains is, and should remain, a serious matter, that there is a continuing need for buried remains to be protected within the criminal law, and that there is widespread public support for such protection. Views on whether the re-use of graves would be likely to undermine respect for the dead and, if so, suggestions as to how this might be mitigated would be welcome.

37. MBCOL shares the view that the government express that unauthorised disturbances is a serious matter and should give rise to criminal liability and does undermine the rights of the dead and indeed the rights of those living who are direct relatives.
Summary – This consultation took place in January 2004. In our elaborate response, we expressed support for:

- A single statute to establish the broad framework in which burial at grounds should operate.

- A broad framework encompassing planning issues and in particular the Town and Country Planning Act and Local authorities being given delegated powers to provide appropriate resources in relation to the provision of burial grounds. This should be a provision to all people that live, reside and work within their authoritative areas.

- A statutory obligation to provide adequate burial facilities on local authorities but allowing them the freedom to choose how to provide this to meet the needs of their respective communities.

- Achievement of the diversity goal at local authority level, citing the relationship between Leicester City Council and MBCOL as a primary example of how this can be replicated nationally.

- A multi-faith burial board in each locality and a national burial board to oversee these boards nationwide, and to set minimum standards of burial processes, undertake inspections and regulate the exhumation process. This would be both a cost-effective method of ensuring diversity within burial activity.

- Collection of relevant information and data to ensure that statutory obligations are being met.

- A dedicated tribunal or body to receive complaints and grievances, in which all rights of appeal are to be referred to Her Majesty's Coroner; and further appeal would then be by judicial review to the High Court.

- A statutory duty to bury or cremate upon the next of kin. In the event of the deceased not having any immediate family, MBCOL believe that the obligation should then fall upon the local authority. Any such burial shall be in accordance with the deceased’s faith.

- The government’s belief as to the right to continue to protect buried human remains from unauthorised disturbance.

- Locally-derived policies for exhumation of old graves and disturbance of human remains.

- An open-ended time limit for disturbance of burial grounds.

- Scientific research into an appropriate timeline for such disturbance.

- Two-level burial in the soil where accepted by local communities and faith groups.

- Local consultation on the issue of re-use of graves to develop long-term policy.

- Criminal liability in cases of unauthorised disturbance of human remains.

We feel that the wide-ranging issues that this consultation has included have allowed us to demonstrate the breadth and depth of our knowledge and expertise in this area.
2.6 Other Consultations

Local - MBCOL works in partnership with the following agencies: Leicester City Council, Leicestershire County Council, Borough of Oadby & Wigston Council, University Hospitals of Leicestershire NHS Trust, BUPA Hospital, East Midlands Ambulance Service, City and County Registrars Offices, HM Coroners and Leicestershire Constabulary as well as other voluntary sector groups and organisations. We have been able to cultivate these relationships through our annual networking events. In the past our keynote speakers for these events have included the former Secretary of State for Health Rt. Hon Patricia Hewitt MP and Sir Peter Soulsby MP.

International - Another major achievement for MBCOL has been its standing and recognition by authorities and bodies European level. The following lists the countries where MBCOL has made contact:
- Germany
- France
- Sweden
- Norway
- Holland
- USA
- Canada
- Australia
- India

It has to be noted that every piece of work the MBCOL does adds immeasurable value to Leicester City Council and its other partners in terms of good practice and publicity.

Summary - MBCOL is recognised and consulted by the Muslim Council of Britain (MCB) and the Home Office as the lead authority on Muslim burials and other related issues. MBCOL has thus been involved in consultation programs with local and central governmental departments, and has gained a reputation internationally as a result of such activity. We believe that some of the keys to our success include the following:
- Well established and first point of contact for the Muslim community as a whole
- Provision of out of hours services
- Provision of information, help and assistance relating to interment
- Close and unique working relationship with Leicester City Council
- Involved with consultation programs with local and central government departments
- Established partnerships and recognition from a number of organisations
- Recognised nationally as provider of key burial services to the Muslim community
- Effective organisational structure and support, founded upon dedication of management and volunteers and their ability to communicate and interact with the community. These include directors from the business community along with solicitors who provide their services without remuneration.
- A cooperative work environment and low overheads
- Provider of a unique and invaluable service to the Muslim community
2.7 Achievements

MBCOL is recognised and consulted by the Muslim Council of Britain (MCB) and the Home Office as the lead authority on Muslim burials and other related issues. MBCOL has thus been involved in consultation programs with local and central governmental departments. Some of this work is documented through a Home Office paper on “Burial Law and Policy in the 21st Century”. Other consultative input has been in relation to death registration, burial grounds, Coroner procedural reforms, burial systems, memorial safety and other matters related to death.

Another major achievement for MBCOL has been its standing and recognition by authorities and bodies on a national and further at European level. The following are cities where MBCOL has made contact:

- Batley
- Burnley
- Blackburn
- Bolton
- Dewsbury
- London
- Manchester
- Northampton
- Pendle
- Peterborough
- Walsall

It has to be noted that every piece of work the MBCOL does adds immeasurable value to Leicester City Council and its other partners in terms of good practice and publicity.

A further achievement is the makeup of the MBCOL Board. Members are derived from the business community, the Legal profession and experienced community workers. This balance has taken MBCOL to its current standing and will continue to benefit the organisation even further as it faces the challenges of a Muslim population of over 50,000 and increasing.

MBCOL is a non sectarian organisation, which is able to draw its membership from the various Muslim community organisations and most importantly from every Mosque in Leicester. This unique achievement means that MBCOL is able to access the majority of the Muslim community of Leicester.

2.8 Increasing Demands and Obligations

MBCOL is looking to provide a Centralised Funeral Service which has the support of the community, its principal funding body, Leicester City Council, local councillors, the Police Authority and others to enable it to deal with the demand for the future (See attached letters of support – appendix 2). A centralised service will allow the Muslim community to access interment services under one roof.
Other than the necessary interment provisions the facility will also incorporate training facilities, a bereavement counselling service and a resource.

2.9 **Keys to Success**

MBCOL’s keys to success include:

- Well established and first point of contact for the Muslim community as a whole
- Provision of out of hours services
- Provision of information, help and assistance relating to interment
- Close and unique working relationship with Leicester City Council
- Involved with consultation programs with local and central government departments
- Established partnerships and recognition from a number of organisations
- Recognised nationally as provider of key burial services to the Muslim community
- Effective organisational structure and support, founded upon dedication of management and volunteers and their ability to communicate and interact with the community. These include directors from the business community along with solicitors who provide their services without remuneration.
- A cooperative work environment and low overheads
- Provider of a unique and invaluable service to the Muslim community
# 3. MBCOL – Building Bridges with Other Faiths

We use the word “Muslim” in our name but we embrace inter faith initiatives as we see the wider vision and purpose of MBCOL. We recognise that if we are to genuinely commit ourselves to working with people of other faiths and none, we have to proactively engage with all people.

We have had the benefit of Riaz Ravat who was the author behind the ground breaking report “Embracing the present, planning the future” in 2004. This set out a blueprint for how faith communities could become more engaged in delivering social action which has a strong inter faith element. MBCOL was cited in this report and fully supported the report’s recommendations.

“The Muslim Burial Council of Leicestershire (MBCOL) is a beacon example of a single faith service which addresses the religious needs of the Muslim community” – Embracing the present, planning the future

Our pioneering publication, ‘Guidelines on death and burial of a Muslim’ has formed the basis of our commitment to inter faith action. The book received considerable praise in all quarters including the Faith & Cohesion Unit of the Home Office, Leicestershire Constabulary, Leicester City Council and Leicester Council of Faiths whose report ‘Life Views’ stressed the need for accessible multi faith information to be made available particularly around bereavement.

Instead of producing a revised second version of the book, we now intend produce the UK’s first ever multi faith bereavement book which will contain information from different faith communities (Baha’i, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism and Sikhism) and those of no faith e.g. Humanist.

This proposed publication will help to ease some of the difficulties experienced by communities at a very sensitive time by providing them with guidance and support about what they need to do after they have lost a loved one. It should bring about greater awareness amongst service providers and employers about the various faith based practical needs.

We hope that this publication will be a key instrument in building bridges of understanding. It will be a testament to our ability to build and to maintain the relationships between our diverse communities. This is the area where MBCOL has excelled. In 2008 we held a meeting with representatives from the Hindu community following their request for support. The meeting discussed several models for creating a holistic cremation service for Hindus in Leicestershire by learning about the history and functions of MBCOL.

In addition in October 2008, we were approached by a Hindu Priest in relation to how MBCOL could support Hindu families to secure quick cremations as many families were becoming distressed by the length of time it took from death to cremation. In September 2008, MBCOL began talks with Asian Christian volunteers about a similar matter. The concern expressed by the Asian Christian community was over the time delay from death to burial and their wish for this to be reduced. MBCOL is continuing to work with both communities.
In August 2008, we had presence and participated in the East Midlands Ambulance Service’s Religion & Belief Summit. We had contributed to the practical and religious considerations that should be taken into account when paramedics arrive at an incident.

MBCOL has been and continues to be an active player in relation to emergency planning. We worked with the local resilience group and participated in a series of exercises looking at the impact of mass fatalities during an emergency such as a terror attack, bird flu or a major event that would result in major casualties and fatalities.

This part of our work has involved in our supportive work with Refugee Action to address the issue of death and bereavement affecting our newly settled and unsettled communities.

MBCOL is not only committed to working across faith communities but also across borders both within and beyond the shores of the UK. We have hosted many visitors from other countries to give guidance and to adopt our unique good practice model.

The St Philip’s Centre for study and engagement in a multi faith society has provided MBCOL with an excellent platform to bring about greater understanding with public sector organisations. The Centre provides education and training to organisations including Leicestershire Constabulary, Leicestershire County Council and staff working in care and residential settings. MBCOL is one of the contributing partner in this area.

MBCOL has and still delivers training programmes at the Markfield Institute of Higher Education on hospital / prison chaplaincy work.
4. **MBCOL Finance**

4.1 **Funding History**

MBCOL’s funding relationship with Leicester City Council is unique in that it was agreed through a contractual and legally binding Agreement that funding by the Council would be provided to MBCOL on a year by year basis where a figure, according to need, would be negotiated for each financial year. The figure negotiated would be referable to the amount of work that the MBCOL undertook and was not discretionary or made as a capacity building exercise but is mandatory in accordance with the constitution of MBCOL which was in effect at the time of the pre contractual negotiations. The payment to MBCOL is a contractual entitlement pursuant to a legally binding agreement which has been acted upon to the reliance of both parties.

MBCOL has, over the past few years, diversified and expanded meeting new challenges in the field. It is therefore looking at the funding it receives in order to meet these challenges and enhancements.

4.2 **MBCOL – Company Limited by Guarantee**

The Trustees having recognised the risks and liabilities open to them through the increased and more diverse work that was being done by MBCOL and they opted to incorporate the organisation by guarantee pursuant to legal advice. This was done on 30th March 2005, Company Registration Number 5406938.

4.3 **Population Changes**

Leicester faces tremendous population changes today and will continue to do so in the coming years. The Muslim population alone has increased over the last few years from just under 31,000 to an estimated 51,000 mainly due to an influx of around 16,000 from the African communities, particularly Somalia. The following data shows graphically the population changes over the last few years.

MBCOL recognises this development and realises the demands that will be placed on it in the very near future and it is working tirelessly to meet them. It is well known and publicised accordingly that Leicester is soon to become the first city in the UK where the minority groups will outnumber the indigenous population and within the minority groups the Muslim community will undoubtedly be the largest.
MBCOL feels that every effort should be made to strategically plan for this future development in terms of having the necessary systems and structures in place to cope with the various demands that are likely to be placed on our services. This issue surrounding capacity building for the inevitable population increases of the future has already been discussed at various levels with the Coronial and Registrations Services and also including the Leicestershire Constabulary. The discussions surrounding the Coronial service for Leicester recommended the need for a full time Coroners post. This recommendation was evidence based on local data compared to data obtained from the regional counties.

### 4.4 Meeting Present and Future Demands

MBCOL’s core function is the provision of an out of hour’s burial service. The service allows for funerals that take place after 2.30pm Monday to Friday, at weekends and on Bank Holidays. Funerals within the Muslim community generally take place during the afternoons. The reason for this is that the logistics and processes involved up to the point of burial take several hours to complete. The second is that the first daylight congregational prayer time is the afternoon prayer, being around 1.30pm. This is therefore the first opportune time the family of the deceased has to inform the wider Muslim community of the funeral arrangements.

MBCOL has, over the past few years, noticed a small yet steady increase in demand for out of hour’s burials, more especially with the recent influx of new Muslim communities to Leicester. This increase further adds to the difficulties and pressures already faced by MBCOL in terms of language and culture. In an effort to address the concerns regarding service accessibility and provision to the recent additions to our community MBCOL invited members from within these minority communities to become co-opted members in an advisory capacity with a view to then migrate on to the Board itself. The elections held at our Annual General Meeting on 15th June 2008 resulted in the election of 3 new Trustees. The newly elected Trustees

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*Image of bar chart showing Leicester Faith Communities: Current Estimates*

<table>
<thead>
<tr>
<th>Religion</th>
<th>Current Estimates</th>
<th>Census 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>129761</td>
<td>125387</td>
</tr>
<tr>
<td>Buddhist</td>
<td>696</td>
<td>638</td>
</tr>
<tr>
<td>Hindu</td>
<td>42755</td>
<td>41248</td>
</tr>
<tr>
<td>Jewish</td>
<td>432</td>
<td>417</td>
</tr>
<tr>
<td>Muslim</td>
<td>51797</td>
<td>30885</td>
</tr>
<tr>
<td>Sikh</td>
<td>12226</td>
<td>11796</td>
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<tr>
<td>Other religions</td>
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<td>1179</td>
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<tr>
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<td>48789</td>
</tr>
<tr>
<td>Religion not stated</td>
<td>20564</td>
<td>19782</td>
</tr>
</tbody>
</table>

*Image of bar chart showing Out of Hour's Funerals*

<table>
<thead>
<tr>
<th>Year</th>
<th>Out of Hour’s Funerals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/5</td>
<td>89</td>
</tr>
<tr>
<td>2005/6</td>
<td>91</td>
</tr>
<tr>
<td>2006/7</td>
<td>120</td>
</tr>
<tr>
<td>2007/8</td>
<td>121</td>
</tr>
<tr>
<td>2008/9</td>
<td>155</td>
</tr>
</tbody>
</table>
reflect diversity and now give the MBCOL board a far greater spread of expertise and more importantly is representative of the many communities that it serves.

MBCOL believes that this increase in demand will continue. The following data for the past six months shows this increase in demand, figures become more noticeable when compared to data for the same period last year.

This continued increase in demand for MBCOL’s services will undoubtedly require additional resources channelled into the organisations if it is to adequately maintain current service levels.

One of the other aims and objectives outlined within the MBCOL constitution is the advancement and education of the public in relation to Muslim burial practices. This objective which formed part of the pre contractual negotiations with the City Council has been vigorously pursued over the years. It has been the initiative behind the MBCOL handbook “Guidelines on Death and Burial of a Muslim” and other smaller publications. It has also been the motive behind the training MBCOL provides for the Police and nursing staff at Leicester’s main hospitals and more recently the M A course at the St Phillips Centre and the current ongoing work on the eight faith book on burial. Other documented work has already been mentioned in this document. It has to be noted that every piece of work the MBCOL does is carried out in accordance with the contractual obligations of both parties and adds immeasurable value to Leicester City Council in terms of good practice and publicity.

4.5 Cultural Changes

MBCOL has identified the benefits and seized to opportunity over the last two years to engage with the other faith communities within Leicester as part of its contractual duties. A clear example of this can be seen in our current work with developing an eight faith book on bereavement, as mentioned earlier and regularly meeting representatives of other faith groups. This also fits in well with the Leicester City Councils community cohesion agenda. This interfaith initiative MBCOL has undertaken is extremely important in creating awareness about the sensitivities of the various faiths with regards to the dying and the deceased and its absence would have a negative impact in the way the communities engage, interact and regenerate.

4.6 Achievements

A major achievement for MBCOL has been its standing and recognition by authorities and bodies on a national and further at European level. MBCOL is recognised and consulted by many umbrella organisations at a national level including the Home Office as the lead authority on Muslim burials.
and other related issues. This work is documented through the various consultations MBCOL has been involved in.

A further achievement is the makeup of the MBCOL Board. Members are derived from the business community, the Legal and Medical professions and experienced community workers. This balance has taken MBCOL to its current standing and will continue to drive the organisation even further.

Finally as MBCOL is a non sectarian organisation it is able to draw its membership from the various Muslim community organisations and most importantly from every Mosque in Leicester. This unique achievement means that MBCOL is able to access the majority of the Muslim community of Leicester.

As an organisation MBCOL stands as an elected body which represents the whole Muslim community. One that is transparent as it is accountable to the wider Muslim community and to its funding authority.

4.7 Funding Plan

The attached Budget Forecast (Appendix 1) has been prepared in accordance with our funding relationship with Leicester City Council and as agreed through a contractual binding agreement.

As agreed, the Leicester City Council would provide funding to MBCOL on a year by year basis where a figure, according to need, would be agreed for each financial year. The payment to MBCOL is a contractual entitlement pursuant to a legally binding agreement which has been acted upon to the reliance of both parties.

MBCOL is a small organisation of Trustees and one full time member of staff. Our banking and income is set out whereby the income is made up of interment fees and income from Leicester city council. The bulk of MBCOL’s income is from its receipt of the interment fee. That is the fee received for each out of hour’s funeral MBCOL facilitates. Generally these are funerals after 2.30pm between Monday to Friday including the funeral services provided over the weekends and Bank Holidays. These amounts combined are utilised in total for the matters set out in the attached forecast and I also refer to the forecast for the previous year. On that basis, all of the interment fees are used to fund all of the items listed in the forecast.

The interment fees, on their own, are insufficient for the total running costs hence the agreement between Leicester City Council and MBCOL regarding funding.
5. Conclusion

We believe that MBCOL is a pioneer in the work it does and has a key role to play in delivering innovative, unique, culturally sensitive and cost-effective programmes in our community. This is even more significant when one considers the effort made by our volunteers without whom, our achievements would not be possible. The future of our work will also be dependent upon an increase in resourcing support and future financial support.

The importance of our work needs to be appreciated within the legal and historical context. Our development has enabled us to deliver key and valuable contributions on various consultations on the many issues in our area of work. We have been enabled to develop models of good practice and our publications have added to the greater understanding of the many issues and contributions to the social cohesion agenda.

Our funding strategy has been managed and controlled carefully in order to give best value.

We have major ambitions for our future. The international dimension to our work has resulted in MBCOL exploring the possibility of obtaining non-governmental (NGO) status. This would put us firmly on the world map as a leading expert in this line of work and enable us to share our experiences with the UK’s partners in the Commonwealth and beyond. We are committed to providing high-quality training for public sector organisations. We will therefore develop materials to facilitate this very important task. Our dedication to working with other faiths is deep. The multi faith handbook is only one aspect to our inter faith commitment. These relationships need to be solidified through other projects or opportunities which we will continue to work towards.

It is an agenda for empowerment that reaches right across the board, from supporting people who want to take an active role in their communities”.... “the chance to get more involved in key public service” - Rt. Hon. Gordon Brown MP, (“Communities in control - Real People Real Power” – Communities and Local Government, July 2008)

Our work has been recognised locally, nationally and internationally. We have been able to forge and maintain good working relationships with our key partners which include the Leicester City Council. In this respect MBCOL has contributed to the diversity agenda and also maintaining social cohesion and stability amongst our various faith and non faith communities. This contribution is crucial at this moment in our ever evolving communities.
6. **Acknowledgments by the Chairman**

I am extremely grateful for the input, support and encouragement given by the Board of Trustees during the preparation of this document. I also take this opportunity to especially thank our Legal Advisor Faizal Essat, my fellow Trustees Dr Rashed Akhtar and Rafique Patel, our Treasurer and our advisor Riaz Ravat, all of whom worked tirelessly in its preparation.

The Muslim Burial Council plays a pivotal & crucial role in providing essential out of hour’s bereavement services. This has only been possible through the support of its member organisations and more importantly through the support of its main partner, the Leicester City Council.

The Leicester City Council has been instrumental in assisting MBCOL in the establishment of a ‘primary-amenity’ and the provision of an “after office-hours” burial service”. Other agencies such as the Registrar of Births Deaths and Marriages, The Coroner and his officers, The University Hospitals NHS Trust and The Leicestershire Constabulary also play an important role.

“A vibrant participatory democracy should strengthen our representative democracy. The third sector- through charities, voluntary organisations....” - (“Communities in control - Real People Real Power” – Communities and Local Government July 2008)

I sincerely hope that the full potential of the Burial Council is realised and taken benefit from. It has pioneered systems and services that have been recognised by many as “best Practice” locally, nationally and in Europe. Leicester can be proud of the achievements of the Burial Council, a flagship organisation which is a beacon of innovation and resource for all communities.

*Suleman Nagdi MBE JP DL*  
*Chairman*  
*October 2008*

**Muslim Burial Council Of Leicestershire**  
394 East Park Road  
Leicester LE5 9HH  
T: 0116 273 0141  
E: admin@mbcol.org.uk  
W: www.mbcol.org.uk
7. Appendices

Appendix 1 – MBCOL Budget Forecast (omitted)

Appendix 2 – Letters of Support
Appendix 1 – MBCOL Budget Forecast (omitted)
Appendix 2 – Letters of Support
Dear Mr Nagdi

Thank you for your letter of 18 August to the Prime Minister inviting him to attend the official celebration and presentation to MBCOL of the 'Queen's Award for Voluntary Service', on Wednesday 31 October.

The Prime Minister has asked me to thank you for this invitation. Unfortunately, due to prior engagements the Prime Minister is unable to attend. He has, however, asked me to pass on his congratulations to you, your colleagues and volunteers for the service you have created and are providing to your local community, in partnership with other organisations.

He sends his best wishes for a successful event.

Yours sincerely

NIKHIL RATHI

Mr Suleman Nagdi MBE
October 2007

The Queen’s Award for Voluntary Service

I am delighted to congratulate the Muslim Burial Council of Leicestershire, and its Chairman Suleman Nagdi MBE, on the receipt of the Queen’s Award for Voluntary Service.

The Award recognises the vital role played by many in the voluntary and community world, and to receive it is testimony to the work of the MBCOL and the difference it has made.

I know of the reputation of MBCOL, and would like to wish you well in your work over the years ahead.

With best wishes,

David Cameron
The Muslim Burial Council of Leicestershire

I am delighted to offer my congratulations to the Muslim Burial Council of Leicestershire upon their receipt of the Queen’s Award for Voluntary Service. I am particularly pleased to note their wonderful work in service of the Muslim community in Leicestershire easing families’ difficulties by assisting them in communicating their funeral requirements and preferences to the local authorities.

Sir Menzies Campbell MP
Leader of the Liberal Democrats
Please ask for: Sheena Gokani
Direct Line: 0116 252 6072

8th November 2007

Mr Suleman Nagdi
Chair
Muslim Burial Council
394 East Park Road
LEICESTER
LE5 5HH

Dear Suleman,

RE: Parmjit Dhanda MP responsible for Community Cohesion Visit to Leicester - 13th November 2007

The Minister responsible for Community Cohesion, Parmjit Dhanda MP, will be visiting Leicester on Tuesday 13th November 2007.

The purpose of his visit is to see and find out more about the community cohesion work we are doing and particularly around the impact of new arrivals on the city.

The visit is a welcome opportunity for us to showcase the excellent community cohesion work we are doing with a range of diverse communities and also gives us the chance to discuss with him the challenges we face and what additional support we require to ensure Leicester remains a cohesive city.

As the Minister’s time with us is very short we will not be able to show him around all areas of the city and the many excellent projects/initiatives we have in place, and therefore I would be very pleased if you would join us for a sandwich lunch on the day with the opportunity to meet with the Minister.

Date: Tuesday 13th November 2007
Time: 1.00 – 2.00pm (Lunch)
Venue: Highfields Community Centre

Please can you inform Sheena Gokani, who is managing the arrangements for the visit if you are able/unable to attend by Monday 12th November at the latest and also if you have any dietary/special requirements. Her contact details are as follows: 0116 252 6072 or email sheena.gokani@leicester.gov.uk

My apologies for the short notice of this invitation, however I do hope you are able to join us.

With best wishes,

Councillor Abdul Razak Osman
Cabinet Portfolio holder for Community Cohesion
11 January 2008

Suleman Nagdi
Chairman
Muslim Burial Council of Leicestershire
394 East Park Road
Leicester
LE5 5HH

Dear Suleman,

I write to formally thank you and your colleagues for your hospitality and honesty in providing your community with information and guidance on the setting up of MBCOL.

The challenges you faced were interesting to note and we were appreciate of the information on the strategy you deployed to overcome those issues.

We learnt a great deal from the meeting and as agreed we will continue to work with each other for our mutual benefits.

Can you please convey our appreciation to Yakoobhai, Adam and Salim.

With thanks,

[Signature]

Kishor Tailor
Chief Executive

c.c. M.Naker, V.Popat
14th January 2008

Kishor Taylor
Charnwood Court
5b New Walk
Leicester
LE1 6TE

Dear Kishor,

I hope this letter finds you in the best of health.

Thank you for your kind letter dated 11th January 2008 expressing your appreciation for the meeting held at our MBCOL office on 10th January 2008.

We felt that the meeting was extremely productive and I wish to acknowledge once again that the Burial Council is committed to working with the Hindu community and is ready to provide assistance and support in order to secure your much needed access to suitable cremation and bereavement services.

We realise that despite our superficial differences working together for the wellbeing of humanity is the only way forward. The diversity that exists between us should be taken as a sign of strength and not weakness and we must never miss the opportunity to work together.

What makes Leicester fundamentally different from other communities in the country is I believe that our collective and direct involvement on difficult community issues means that we can better manage and resolve problems, I therefore owe a debt of gratitude to you and the friends that accompanied you, namely Vinod Popat, Raj Chauhan, Praful Thakrar, Naran Patel and Mukesh Bhai.

Finally let us make the best use of our time to spread the message of respect, love peace and wellbeing in our all our communities.

Yours sincerely,

Suleman
Dear Mr. Nagdi

FUTURE DEVELOPMENT OF H.M. CORONERS SERVICE

Many thanks both for your hospitality and for the wide ranging discussion regarding the future development of Her Majesty’s Coroner’s Service when we met at the MBCOL offices on 4 March 2008. I trust we all felt that it was a useful prelude to ongoing dialogue, MBCOL being a key stakeholder, both in the Coronal Service and the wider bereavement journey.

As discussed, Mr. Symington has informally indicated his likely retirement from the post of H.M. Coroner for Leicester City and South Leicestershire in December 2008. To coincide with that date, proposals are also in hand for the transfer of the civilian status Coroners Officers from Leicestershire Constabulary to local authority employment. Discussions are also underway between Leicester City Council, Leicestershire County Council and Rutland County Council as to how far the above changes can result in a more integrated Coronal Service, although current legislation would seem to prohibit a formal combining of the two current Coronal Districts into a single entity.

A significant part of developing a fully integrated and customer focused Coronal Service will, of course, be consultation with key stakeholders in this process. That will, of course, include MBCOL, along with the Council of Faiths, humanist organisations, representatives of the funeral trade, the health sector (Primary Care and UHL Trusts and EMAS), Leicestershire Constabulary and relevant local authority service providers, including the Registration Service, and Burial and Cremations. The process of formal consultation will, I envisage, commence in the near future and our meeting yesterday was a useful exploratory occasion.

When looking at the future shape of the Coronal Service, you highlighted several particular issues which you would be keen to see encompassed:-

- easier, speedier access to H.M. Coroner to enable the clearance of documentation leading to the early release of bodies
- access to the Coronal Service on a seven day per week basis, including access to associated provision (post mortem facilities, etc.), as well as the Registration
Service

- the use of CT/MRI scanning as a method of conducting non-invasive post mortems as soon as trials elsewhere in the country have been concluded
- a Coroner Service which is fully cognisant of and responsive to the religious and cultural needs of the diverse communities within Leicester, Leicestershire and Rutland

At the meeting, you also pointed me towards I.M. Coronial Services in Bolton and Manchester, both of which are models of best practice. I shall, of course, contact them and any other authorities which you feel may have positive initiatives to examine.

I look forward to meeting again with you and colleague members of MBCOL in the near future.

I am also copying this letter to colleagues in Leicestershire County Council and Rutland County Council who are jointly working on this review.

Yours sincerely

[Signature]

CHARLES POOLE
SERVICE DIRECTOR
(DEMOCRATIC SERVICES)

c.c. Councillor R. Willmott
     Councillor A. Osman
     Kevin Lewis, Chief Superintendent Registrar
     David Bull, Leicestershire County Council
     Geoff Pook, Rutland County Council
     Tom Stephenson, Town Clerk
Mr Suleman Nagdi  
Chairman  
Muslim Burial Council of Leicestershire  
394 East Park Road  
LEICESTER  
LE5 5HH

25 July 2008

Dear Mr Nagdi

RE: Non-invasive Autopsy

Following my letter to you dated 23rd July 2008 I have had a meeting with Mr Phillip Webster, Head of Diagnostics Commercial Director, from the Department of Health. He has informed me that the Department of Health and Ministry of Justice are now accelerating the programme related to the investigation into the use of the non-invasive autopsy which I hope is of interest to you. I have discussed our previous brief relationship in relation to this project and he suggests that the three of us meet in the very near future to discuss whether or not the Muslim Burial Council of Leicestershire would be interested in collaborating more formally in this project and the means and extent to which any collaboration could be achieved.

Thus I wonder, if this remains of interest to you, whether you would consider meeting Mr Webster and myself in the relatively near future in Leicester, to further discuss this matter. I hope this is of great and wonder if you would consider contacting my Personal Assistant, Mrs Wendy Pitts on the following number or email; tel: 0116 2523221 – email: wap2@le.ac.uk, who would facilitate in organising this meeting.

I look forward to hopefully working with the MBCOL, the Department of Health and the Ministry of Justice in this area.

Yours sincerely

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On Wednesday 31 October 2007, a UK-based community organisation received a major royal award as a result of its work in providing bereavement services for local communities.

In front of nearly 200 guests, the Muslim Burial Council Of Leicestershire (MBCOL) was presented with the Queen’s Golden Jubilee Award for Voluntary Service by HM the Queen’s representative, the Lord Lieutenant of Leicestershire, Lady Jennifer Gretton.

The distinction was presented to MBCOL’s trustees at a special ceremony attended by dignitaries including the Lord Mayor of Leicester City, Councillor Hunt, Mayor of Oadby, Councillor Kaufman and leaders of both Leicester City and Leicestershire County Council's.

Suleman Nagdi MBE, Chair of MBCOL said, “MBCOL was very proud to have received such a high honour. The superb turnout from individuals and organisations from across Leicestershire who shared the momentous occasion with us, was heartening. The evening was a major success not only for MBCOL but for faith-based charities as a whole because we work tirelessly to make a difference in our communities.

“For us, the award recognised the vital role played by our ‘unsung heroes’ who are our volunteers, who commit so much of their free time to provide essential services for the community. This has allowed us to receive recognition throughout the UK and Europe as a pioneering faith-based, social organisation”.

MBCOL was set up in 1994 to deal with the difficulties in accommodating the religious funeral preferences and requirements of the Muslim community. With the co-operation of statutory authorities, a successful programme of out of hour’s burials has been delivered.

PS: On his last visit to Brisbane a few years’ ago, Mr. Nagdi gave several talks to local residents on his organization’s various initiatives.