

CORONAVIRUS (COVID-19) – GUIDANCE TO SCOTTISH LOCAL AUTHORITIES FOR THE ONGOING PROVISION OF REGISTRATION SERVICES DURING A PANDEMIC SITUATION

Background, Legislative Measures

National Records of Scotland (NRS) is the non-ministerial department of Scottish Government responsible for oversight of the registration system on behalf of the Registrar General for Scotland.

In light of developing plans in Scotland and UK-wide in relation to social distancing, other preventative measures and the spread of the disease, it is clear that COVID-19 is likely to have a significant impact on the ability of the registration service to provide services across the full range of its functions.

There are two key aspects which underline our approach to COVID-19 planning. The first is maintaining high levels of public confidence in the registration service, particularly in regard to the probity and reliability of the civil status certificates it produces. The second is to ensure that wherever possible, registration services are undertaken in such a way as to minimise additional exposure to COVID-19, both for the public and public-facing registration staff.

As an initial measure, therefore, and in tandem with Scottish Government, NRS has developed provisions specific to death and still-birth registration for inclusion in the forthcoming UK Coronavirus (Emergency) Bill. We will confirm when these provisions are in force.

These provisions embody the above two key principles, and cover:

1. Facilitating death and still-birth registration remotely, without requiring the informant to attend a registration office in person to provide information on the deceased, or to manually sign the register page in ink
2. Supporting remote registration through the use of 'registrar-transcribed' signatures in the format an informant would usually sign, which will be regarded as having properly attested to the registration and possessing equal force to manual ink signatures
3. Where desirable and feasible (working with NRS IT colleagues, and very much as a fall-back solution to transcribed signatures, which will be the principal means of attestation) permitting the use of existing digital signature devices to capture an informant's signature
4. Allowing funeral directors who are arranging the funeral of the deceased, and who have permission from the family, to serve as an informant as a first option (rather than as at present, a final 'catch-all' option where all other categories

of informant have been exhausted). There would not be any duty on a funeral director to serve in this capacity

5. Making transitional arrangements for the smooth resumption of existing registration laws at the close of any period of COVID-19, and allowing the Registrar General for Scotland to set out such measures – as well as instructions on other relevant aspects of registration – through guidance.

Clearly, registration services encompass a broader range of practice, but for a number of reasons we are initially pursuing legislative measures in these areas specifically. The rationale for this approach is as follows:

- Birth registration: existing hospital notifications capture and preserve sufficient initial information on a birth, and given the relative latitude afforded under current registration law to postpone birth registration, even beyond three months on the authority of the RG, we believe it is feasible where necessary to propose a system of postponed birth registration without need for emergency legislation
- In general, we do not see any pressing social or public health reasons for maintaining the current system of in-person birth registration within 21 days. There may be a small number of exceptions to this, such as service personnel with imminent redeployment who need to jointly register as soon as possible. In such cases, we would propose working with local authorities individually to facilitate these
- Death and still-birth registration: by contrast, there are self-evident social and public health reasons for prioritising death and still-birth registration in a pandemic situation
- Marriage and civil partnership: as public health guidance develops in relation to public gatherings, we are conscious this may have a significant impact on marriage and civil partnership, and anticipate a need to amend timescales and practice in relation to these areas. We anticipate a small number of urgent exceptions to this general approach, such as marriage or CP dispensations for couples in which one party is terminally ill, and again we would propose working individually with councils on such cases.

This guidance therefore proposes a specific course of action during a COVID-19 emergency situation which will allow death and still-birth registration to continue in amended fashion, facilitated by the provisions in the UK emergency bill. This will satisfy a key requirement to maintaining public confidence in the system. This approach also minimises the opportunity for further spreading of coronavirus, and ensures the wellbeing of both registration service staff and the public.

Aspects of the current UK coronavirus bill will introduce provisions for Scotland allowing death and still-birth registration to occur remotely, and we will provide

updated information on legislative timings, commencement and so on as this emerges.

Death and Still-birth Registration

NRS proposes to facilitate death and still-birth registration under remote conditions as specified above. A **detailed draft process document** is appended to this guidance which articulates the way we envisage registration of deaths and still-births can be conducted, using the following processes:

- Remote electronic communication
- Scanned and e-mailed copies of key documents
- Non-manual forms of attestation, which will allow the resulting death and still-birth certificates to be returned to informants without unnecessary exposure to COVID-19
- Certificates produced in this manner will be regarded as equal in probative value to certificates signed in ink.

Related functions such as ongoing use of the Tell Us Once (death service) should be possible within any emergency situation, as existing electronic means of communication can be used to seek additional evidence from the informant, and consent be recorded in the system in the usual way. The overall goal of TUO – the removal of unnecessary contact between informants and a wide range of public sector bodies – is also compatible with maintaining registration functions while minimising physical contact. (TUO birth services, however, are likely to be suspended for those councils who offer them, in the event that birth registration is postponed for a given period, as outlined below.)

It is NRS's view that of all functions currently discharged by the registration service, it is vital that death and still-birth registration be maintained as a core function in the event registration offices are closed to the public. The degree to which individual staffing levels, office closures and other operational matters take place will be for local authorities to decide, within the overall configuration of the service at local level. Authorities are best placed to decide local levels of need and available resources to meet that need. However, in NRS's view, provision of remote death and still-birth registration will remain an essential function throughout any emergency period.

Where staffing challenges become severe through illness or caring responsibilities, it is still important to try and maintain a core death and still-birth function. In the first instance, this may include considerations of rota and other arrangements to provide minimum cover. Authorities may also wish to consider within their wider staffing if there are suitably experienced individuals who can be re-deployed to support these areas of activity. Where this fails, authorities may wish to liaise with neighbouring authorities to explore opportunities around mutual aid and support. It should only be a last resort for an authority to inform the public that they cannot offer a death or still-birth registration service.

Birth Registration

For the reasons detailed above, and in light of the proposed measures on death and still-birth registration, NRS does not see a pressing social or public health need to maintain the normal 21-day timeframe for in-person registration of births.

We therefore propose suspending birth registrations in circumstances where registration offices are closed to the public. Conditions for this process will be specified in forthcoming guidance.

At present, no firm information is available on the likely duration of any such period of suspension, and therefore the time at which resumption of ordinary in-person registration of births could begin. However, as noted, we will be in constant contact with all Chief and Senior Registrars, and Registration Service Managers within Scottish local authorities, to ensure we are able to coordinate process change and communication to the public of such changes.

It is important to note that we may not need to adopt this policy during any emergency period, but that if we do have to postpone birth registration, we are able to articulate the relative values of concentrating on remote death and still-birth registration as a priority, and providing assurance that all postponed birth registrations will be picked up as soon as possible after any emergency period.

However, in such circumstances it will be crucial to ensure registrars are able to receive and retain, for reference and future appointment purposes, details of all births passed to them electronically by hospitals and details of home births attended by midwives within their district. To this end, NRS wishes to ensure all relevant health institutions fulfil their obligations to provide this information to registrars. Please let us know as soon as possible of any issues with this process. In addition, it will be important for all electronic copies of birth data received from health institutions to be forwarded to NRS (please send to registrationcommunications@nrscotland.gov.uk) as soon as they are received by the registrar. This will allow us to work with other government departments to offer initial validation of births having occurred, and feed into claim processes for child benefit and other schemes ordinarily utilising birth data.

Marriage and Civil Partnership Preliminaries and Registrations

Throughout any emergency period, many aspects of marriage and civil partnership that do not require in-person attendance at the registration office could be maintained. These include:

- Continuing to accept marriage and civil partnership notices and scanned copies of supporting documents by post, or e-mail copy (provided original documents are available to be inspected prior to any later ceremony) for marriages and civil partnerships taking place after the likely peak COVID-19 period
- Dealing with objections to marriage or civil partnership

- Answering telephone and e-mail queries about general marriage/CP issues.
- Complying with the duty to make available the list of intended marriages by posting in a location viewable from outside the building, such as a window facing the street, external notice board or other means which allow inspection of the list but do not require entry to the registration office.

Where registration offices are to be closed, any planned marriage, civil partnership registration or administrative process to change an existing civil partnership to marriage would need to be postponed. There are a range of options available to the service to facilitate this goal:

- Closure of marriage rooms
- No issuing of schedules
- (For belief and religious marriages) – suspending celebrant authorisations through any emergency period
- (For prescribed body celebrants) – SG advice to prescribed bodies disallowing any ceremonies within the emergency period.

NRS considers it important that if, in the event of marriages and civil partnerships being postponed or cancelled due to COVID-19 restrictions, this temporary process should apply to both belief body, religious and prescribed body celebrants, and to registrars in regard to civil marriage. We will shortly send on to you detailed process guidance on marriage and civil partnership.

Extracts, Registration Services Delivered Directly by NRS

It is also important to note that existing functions such as extract production can still be performed during any period when registration offices remain staffed, though not open to the public. Customers could order extracts by phone, or e-mail to the registration mailbox, and continue to have extracts sent out by post. In-person collection of extracts would not be possible during any period of office closure.

NRS also delivers a range of services from New Register House, some of which are dependent on physical access of staff to resources. At present we continue to operate arrangements where we have our key buildings open and arrangements for staff to access these. It of course remains possible that there may be times when buildings are closed, and such services are impacted for short periods, for example to facilitate deep cleaning.

These may include:

- Provision of extracts ordered by phone and online means (though with no physical pick-up)
- Re-Registration queries and processes
- GRU authentications
- Phone and e-mail based support functions to registrars and members of the public

- LOU logistical and support functions (except dealing with physical register pages)
- Marriage, civil partnership and corrections functions
- Marriage and civil partnership dispensations by phone.

While this list is not exhaustive, it is important to note that while we may as a service need to transition to an emergency period at some stage – with the resulting amendments to ordinary birth, marriage and civil partnership functions, and a key focus on continued delivery of death and still-birth registration by remote means – we will at all times strive to maintain the best and most efficient registration service possible. This should allow us to maintain public confidence in registration, and the robustness of our processes, while significantly lessening exposure of the public and registration staff to COVID-19 and assisting the national effort to make the transition to a post-emergency period.

ROD BURNS

Deputy Registrar General
National Records of Scotland

rod.burns@nrscotland.gov.uk
(0131) 314 4434

March 2020