

National Committee on Burial and Cremation

Meeting 2

29 November 2017

St Andrews House, Edinburgh

Attendees

Chair - Gareth Brown	Head of Health Protection, Scottish Government
Brendan Day	Federation of Burial and Cremation Authorities (FBCA)
Cheryl Paris	Scottish Government Legislation Team Lead
David MacColl	Scottish Bereavement Benchmarking Group (SBBG)
Helene Marshall	NHS Education Scotland
Ian Kearns	Federation of Burial and Cremation Authorities (FBCA)
Jane Matheson	City of Edinburgh Council
Jim Brodie	Society of Independent & Allied Funeral Directors (SAIF Scotland)
Katrina McNeill	Scottish Government Legislation Team (Policy Manager)
Natalie McKail	Inspector of Funeral Directors
Nicola Welsh	Sands Lothians
Paul Cuthell	National Association of Funeral Directors (NAFD)
Pippa Milne	Society of Local Authority Chief Executives (SOLACE)
Rick Powell	Federation of Burial and Cremation Authorities (FBCA)
Robert Swanson	Inspector of Crematoria
Tim Morris (ICCM)	Institute of Cemetery and Crematorium Management
Trishna Singh	Interfaith Scotland
Vicki McKechnie	Scottish Government (Committee Support Officer)
Willie Reid	Parent Representative

Apologies

Aileen Lawrie	NHS Heads of Midwifery
Bill Stanley	Instit of Cemetery & Crematorium Management (ICCM)
David Baxter	Assoc of Private Crematoria & Cemeteries (APCC)
Dr Mini Mishra	Senior Medical Officer, Scottish Government
Glenn Palmer	Ministry of Justice
John Williamson	National Association of Funeral Directors (NAFD)

Agreed Actions:

- a) To ask the Scottish Bereavement Benchmarking Group (SBBG) members what measures are in place to allow multi faith communities to have a designated ash scattering point near a site of fast moving water – **Action David MacColl.**
- b) To ask Society of Local Authority Chief Executives (SOLACE) members what measures are in place to allow multi faith communities to have a designated ash scattering point near a site of fast moving water – **Action Pippa Milne.**

- c) Inform the Committee when the Cremation regulations have been laid in Parliament – **Action: SG.**
- d) Map out variation across Scotland with regard to local authority charges for infant and babies funerals – **Action SG**
- e) Set up Business Regulatory Impact Assessment stakeholder meetings for early in 2018 for Inspection Regulations – **Action SG.**
- f) Circulate ICCM, Sands and Miscarriage Association guidance document on pre-24 week pregnancy losses without medical certification – **Action Tim Morris.**
- g) Disseminate Health and Safety Executive Guidance to committee and wider stakeholders – **Action SG.**
- h) SG to work with FBCA, ICCM and SBBG to draft a paper on training for infant cremations – **Action SG, FBCA, ICCM and SBBG.**
- i) Circulate the link to the NES bereavement video – **Action SG.**
- j) Send latest version of cremation application forms to Ian Kearns – **Action SG.**

Welcome, Minute of Last Meeting and Matters Arising

1. The Chair welcomed everyone to the meeting and introduced Natalie, the newly appointed Inspector of Funeral Directors.
2. The Committee was content with the minute of the first meeting and for the minutes to be published on the National Committee page of the Scottish Government Website.
3. Gareth Brown noted that all of the actions of the previous meeting have been completed with the exception of the CMO letter which would be updated following the implementation of the legislation.

Designated Ash Scattering Site for Sikh Communities – Jane Matheson – Guest Speaker

4. Jane Matheson informed the Committee that she and Trishna Singh from Interfaith Scotland had identified an existing multi-faith designated ash scattering site in Edinburgh and subsequently, plans were in progress to renovate the site to ensure it is structurally safe to use. The site is located on the River Almond which allows ashes to be scattered into fast moving water.
5. Ms Matheson explained that the designated scattering site was originally developed in the 1990s. The planned work will reinforce the safety of the stairs and general surrounding area. This work will adhere to SEPA requirements.

6. The Cemeteries Team within Edinburgh City Council are seeking planning permission by Christmas 2017 or early in 2018 to allow the renovations to begin. Permission must also be sought from the Dalmeny Estate (Rosebery Estates) and Friends of the River Almond before work can commence.
7. Ian Kearns informed the group that Inverclyde Council currently had no designated scattering point in the West of Scotland, however, Inverclyde Council were in discussion with SEPA and Health and Safety teams to develop a designated site. Similarly, David MacColl informed the group that there is demand for a designated scattering site in Glasgow and he agreed to circulate the question around the Scottish Bereavement Benchmarking Group (SBBG) to understand what other local authorities have in place.

Action: David MacColl

8. The group noted that it was important to understand what resources are currently available in different local authority areas throughout Scotland and also agreed the importance of sharing good practice. Pippa Milne also agreed to take the point to the Society of Local Authority Chief Executives (SOLACE) to assess the demand across Scotland.

Action: Pippa Milne

Verbal Updates from Legislation Team and Inspectors

Legislation Team Update

9. Cheryl Paris discussed the progress of the implementation of the Burial and Cremation (Scotland) Act 2016.
10. The consultation on the cremation regulations closed on 9 June 2017 and 40 responses were received. Where permission had been given to publish a response, those responses had now been published on the Scottish Government website. The responses were generally supportive of the proposals set out in the consultation and the SG Team had taken all of the responses into account when developing the final Regulations. Cheryl thanked the Forms and Records Subgroup and latterly the Cremation Regulations Working Group for their input and guidance. The regulations and cremation application forms will be laid in Parliament early in 2018 for 54 sitting days, in which they will be subject to parliamentary scrutiny. The policy team will inform the Committee when the regulations have been laid in Parliament.

Action: SG

11. The Group noted that the new cremation application forms would be available in electronic format. While this was welcomed by some members, others indicated concerns about the security of electronic forms. The group agreed that it was important that the application forms were secure i.e. that once the forms had been completed and signed by the applicant they could not be changed without the applicant's knowledge. The Group also agreed that the forms should be accessible to individual members of the public who wish to apply for a cremation and that having the forms available electronically was a means of achieving this.

Gareth Brown assured the group that where electronic forms are introduced, the policy team will work with relevant colleagues to ensure the forms are secure.

12. Cheryl updated the group on the ongoing work to develop a set of forms which are prescribed under the Act and which will be required to be used by NHS boards throughout Scotland to take authorisation from bereaved women following pregnancy loss or stillbirth. The forms are currently on their third round of consultation with NHS colleagues and it is the aim for these forms to be finalised and laid in Parliament at the same time as the Cremation Regulations. The Group noted the sensitive nature of the forms, and the need for these to be designed in line with clinical practice.
13. Nicola Welsh was pleased that the new forms would place the option for parents to arrange their own baby's funeral as the first option for parents to consider. Evidence gathered by SANDS Lothian and NHS Lothian supported this approach, which had been shown to be helpful to the grieving process.
14. Nicola also explained that she had been surprised to learn that women/parents were often approached before the baby/pregnancy loss had been delivered about their wishes for their baby/pregnancy loss to be buried or cremated. The reasons for this appeared to be that professionals judged this to be the most appropriate time to have these discussions. Nicola had discussed this point with parents who had been bereaved; they felt that having these discussions pre-delivery may not always be the most appropriate time. There was, therefore, further discussion to be had regarding the most appropriate time to discuss the options for burial or cremation with parents.
15. The Group noted Nicola's request to map out variation across Scotland with regard to LA charges for baby and infant funerals. This work was already underway and would be shared with the Group.

Action: SG

16. Cheryl thanked all members who had replied to the Inspection Regulations Consultation and informed the group that 44 responses to the consultation were received from a variety of interested parties. As the original consultation date had run over the summer months, the consultation period had been extended by one month.
17. An additional extension of one month had been requested and granted to accommodate late submissions from two stakeholders. Unfortunately, at the end of that further extension period neither organisation submitted a response, which was disappointing. The Policy Team was now scheduling a series of Business Regulatory Impact Assessments (BRIAs) stakeholder meetings to take place in February/March 2018.

Action: SG

Update from Inspector of Crematoria

18. Robert Swanson informed the Committee of his progress to date. He has now completed over 100 visits to crematoriums and has established good working relationships with all staff within. The Inspector informed the group that there are still 29 crematoriums in Scotland; however, plans are in place for a new crematorium, Clyde and Garnock Crematorium, to open early in 2018. The Inspector has almost completed his second round of formal inspections; he expects the second round of inspections to be complete by March 2018. From the 100 visits made, Mr Swanson has reported a 100% ashes recovery rate from the cremation of babies, infants, pregnancy losses and adults.
19. Mr Swanson discussed outlined recent incidents or complaints, all of which have been, or are currently, under investigation.
20. The group discussed the procedures for when a woman has an early pregnancy loss at home, with no medical intervention. Individual crematoriums had checked with the Inspector how this type of pregnancy loss should be handled; as crematoriums cannot sign off a cremation without a note from a medical professional certifying the pregnancy loss has occurred. Tim Morris informed the group that the Institute of Cemetery and Crematorium Management (ICCM) in partnership with the miscarriage association and the Stillbirth and Neonatal Death Society (SANDS) produced a guidance note on such situations. Tim agreed to circulate this guidance to the group. Further consideration of this issue will be taken at the next meeting of the National Committee.

Action: Tim Morris

21. The group discussed concerns regarding E1 forms. Mr Swanson told the group that he had scheduled a meeting with the Crown Office and Procurator Fiscal Service (COPFS), and would raise these concerns.
22. The group also indicated concerns about infectious diseases and the potential effects on funeral directors if the infectious disease is not stipulated on any documentation. Cheryl Paris informed the Committee that she will be calling a meeting in early 2018 where this issue would be considered. Also, the Health and Safety Executive were reviewing their guidance *'Health and Safety Executive. (2005). Controlling the risks of infection at work from human remains: A guide for those involved in funeral services (including embalmers) and those involved in exhumation'*. It is hoped that this guidance will be available in early 2018. Cheryl Paris and Natalie McKail agreed to disseminate this information widely.

Action: SG

Update from Inspector of Funeral Directors

23. Natalie McKail formally introduced herself to the group and provided the committee with an update on her professional background and the current scope of her role.
24. Natalie has conducted 29 full audit inspections in a broad range of premises since taking up post in July 2017. During those visits Natalie had focussed on establishing networks, building relationships and understanding the industry. Natalie assured the group that the introduction of any regulatory framework would be applicable to all scales of businesses from the industry leaders to the small independent family run businesses.
25. Natalie was in the process of establishing a multidisciplinary short life working group which would consider current industry guidelines and practice and begin shaping the statutory Code of Practice. This was an extremely important piece of work, particular given the wide variety of practices throughout the country.
26. Going forward, standards around care of the deceased would continue to be a focus of Natalie's work. Being able to communicate directly with all funeral directors was Scotland was becoming increasingly important and Natalie would work with SG colleagues on the best way to do this.
27. The Scottish Government policy team have commenced work to collate a list of all funeral director businesses in Scotland. Natalie intends to use this list in the first instance to carry out a survey of all funeral directors in relation to the implementation of the Level 2 Infant Cremation Guidance in the new year.

Infant Cremation Training

28. Gareth noted that the Federation of Burial and Cremation Authorities (FBCA) and the Institute of Cemetery and Crematorium Management (ICCM) have developed training packages for infant cremation following the recommendation made by Lord Bonomy. Gareth asked Rick Powell from the FBCA and Tim Morris from the ICCM to explain their respective training packages to the group, and to outline their different approaches.
29. Gareth Brown noted that the Scottish Government had accepted Lord Bonomy's recommendations in full and the National Committee on Infant Cremation had overseen their implementation. It had now been four years since those recommendations had been made and the practices of cremation authorities had improved dramatically. The National Committee on Burial and Cremation would now oversee the implementation of Lord Bonomy and Dame Elish Angiolini's recommendations and it was therefore right that decisions on implementing these recommendations should be taken by this committee. There was a need to review and consider the best approach to training on issue of infant cremation, and on supporting the bereaved more generally.
30. David MacColl explained to the group that the Scottish Bereavement Benchmarking Group had been in discussion with the Scottish Qualification

Authority (SQA) to develop and a Scottish Vocational Qualification (SVQ) for an accredited basic training programme covering both burial and cremation. The Committee agreed that it was important for Scotland to develop a mechanism for a basic level of training, which does not undermine the FBCA and ICCM courses. The group agreed that options for a basic training programme, and infant cremation training, should be outlined in the paper for consideration by the Group at its next meeting.

Action: SG, FBCA, ICCM and SBBG

NES Film Update – Communications Sub-Group

31. Helene explained that NES had worked with stakeholders to develop a training video to help professionals who have the difficult task of working with bereaved families. Vicki McKechnie will circulate the link to the video to Committee members. Helene Marshall informed the group that a workbook to support health professionals is also in progress and should be completed in the near future.

Action: SG

32. The group discussed mandatory bereavement training. At the last meeting of the Committee Helene Marshall was requested to check if there was any core mandatory bereavement training currently in place. From this research, Helene reported that whilst some boards offer specific bereavement study events, no bereavement training is mandatory. Helene informed the group that the Support Around Death (SAD) website has excellent bereavement training material which health professionals and others can access and use as continuous professional development.

33. While there was no way of making bereavement training mandatory Gareth Brown noted that it would be possible to set a clear expectation in the next CMO letter that bereavement training in relation to pregnancy loss should be undertaken by those who would be caring for bereaved families.

Any Other Business/Matters Arising

34. Rick Powell highlighted concerns that not all crematorium staff are being trained to the standards set out by Lord Bonomy with regards to continuous professional development and cremation technician training. Gareth Brown suggested that this issue should be included in the Scottish Government paper on training and discussed at the next meeting of the Committee.

35. Rick Powell (FBCA) and Tim Morris (ICCM) announced that this would be their last meeting as they are both retiring. Gareth Brown thanked Rick and Tim for all of their hard work over the years and wished them both all the best in their retirement. Brendan Day (FBCA) will be taking Rick's place on the Committee going forward and all relevant subgroups. Tim Morris was attending in place of Bill Stanley, who will be in attendance at the next meeting of the Committee.

36. Jim Brodie explained that SAIF Scotland had introduced a mandatory refrigeration requirement for all funeral directors who were members of SAIF Scotland. Jim said that SAIF Scotland have reported a 96% adherence rate which is commendable. This will be a mandatory requirement as of 1st January 2018. Jim noted that installing refrigeration was a significant investment for funeral directors.

37. Ian Kearns enquired about the status of the new cremation application forms. Katrina McNeill informed Ian that whilst the forms are not in their final published state, it would be possible to share the latest version with him at the moment.

Action: SG

Next Meeting

38. It was agreed that the Scottish Government would be in touch with members regarding the next meeting of the Committee and that the next meeting is likely to take place in Spring 2018.

**Burial and Cremation Team
Scottish Government**