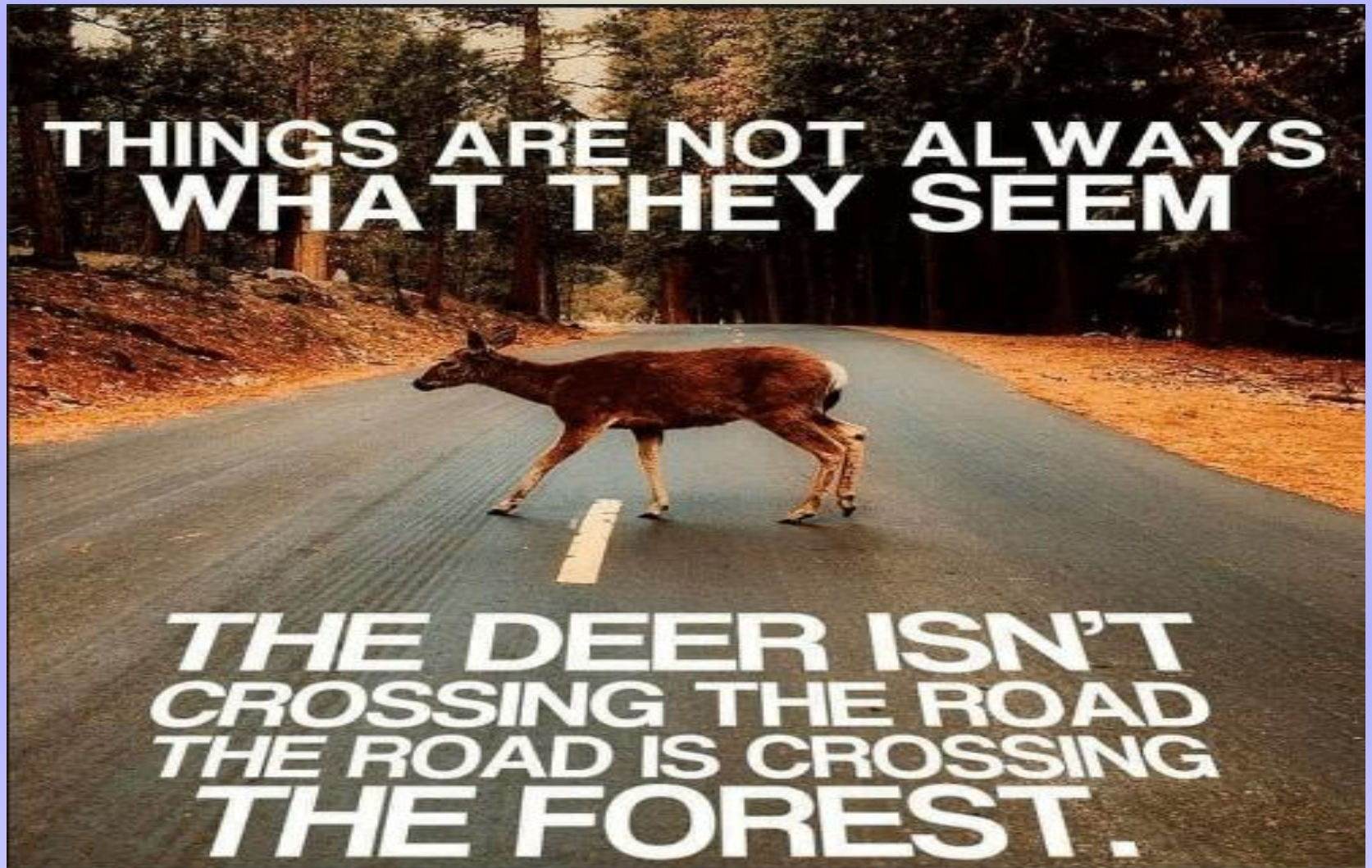


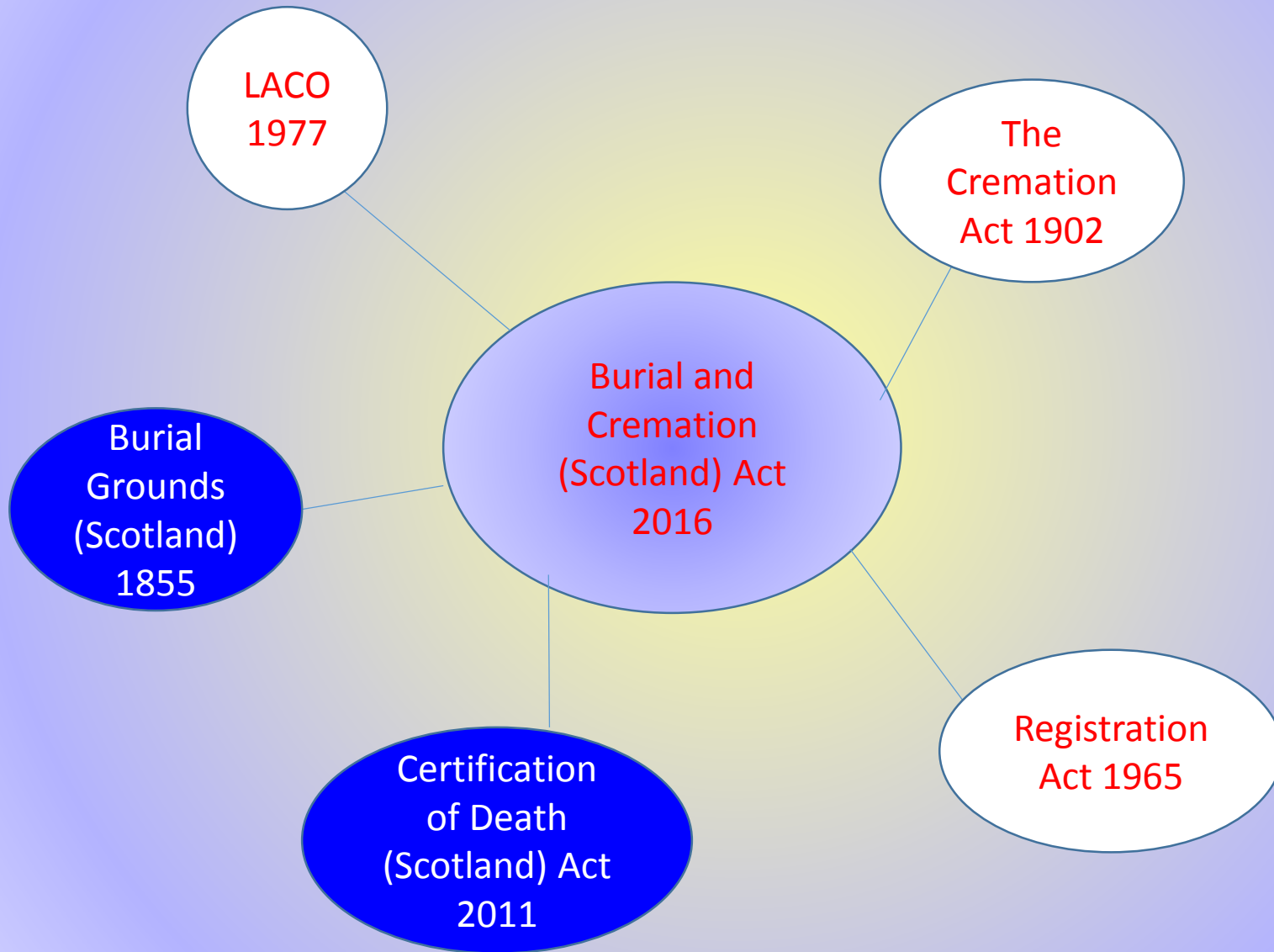
David MacColl



**THINGS ARE NOT ALWAYS
WHAT THEY SEEM**

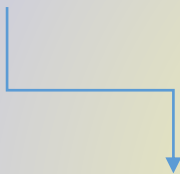
**THE DEER ISN'T
CROSSING THE ROAD
THE ROAD IS CROSSING
THE FOREST.**

The melting pot of Legislation



How Did We Get Here

The Infant Cremation Investigation Commission —→ The Infant Cremation Commission



The Burial and Cremation (Scotland) Act 2016



Memorial Guidance ★ Cremation Application ★ Funeral Poverty

The Cultural Divide

- Different Legislation
- National disparity
- Even a Cultural gap

BUT

- The same function
- Same customers
- Many of the same problems

SO



Time to Share

Drivers for Change

- National Cremation Investigation
- Infant Cremation Commission
- Certification of Death (Scotland) Act 2011
- Burial and Cremation (Scotland) Act 2016
- Funeral Poverty

National Cremation Investigation

- Led by Dame Eilish Angiolini
- Intensive investigation into practices carried out at a number of Scottish Crematoria
- Outcome included thirteen recommendations

Infant Cremation Commission

- Led by the Rt Hon Lord Bonython
- Report examining current practice regarding the cremation of infants and making recommendations for improvement for the future.

Certification of Death (Scotland) Act 2011

- Introduce a single system of independent, effective scrutiny applicable to deaths that do not require a Procurator Fiscal investigation
- Improve the quality and accuracy of Medical Certificates of Cause of Death (MCCDs);
- Provide improved public health information and strengthened clinical governance in relation to deaths
- Removal of the role of the Medical Referee

Burial and Cremation (Scotland) Act 2016

Part 1: Burial

Part 2: Cremation

Part 3: Arrangements

Part 4: Inspection

Part 5: Funeral Directors

Part 6: Miscellaneous

Part 7: General

B & C Act 2016 Progress to Date

- The Burial Grounds (Scotland) Act 1855 repealed 28th Dec 2016
- Appointment of Inspectors
- Initial focus on pregnancy loss and cremation, including the commencement of Part 3 of the 2016 Act (Arrangements)- Draft regulations for consultation
- Commencement of section 98 of Act - funeral affordability - laid in Scottish Parliament
- National Committee on Burial and Cremation
- Funeral Director Short Life Working Group on Care of the deceased
- Inspection Regulations - Business and Regulatory Impact Assessment working groups (BRIA)
- National Memorial Safety Guidance – drafted
- Inspection Regulations Working Group established
- Cremation, Arrangement and Commencement regulations passed by Parliament.

Indicative future implementation timescales

Parts of the 2016 Act and related work will be commenced at different times. Where regulations are to be made, they will be designed in collaboration with stakeholders and will be subject to public and stakeholder consultation and scrutiny. The timescales below are high level and indicative only.

Completed during 2018:

- Development of Inspection Regulations
- National Memorial Safety Guidance drafted
- Inspector of Funeral Directors recommendations to Scottish Ministers

• 2019 and beyond:

- Cremation and Arrangement regulations come into force
- Continued development of Inspection Regulations
- National Memorial Safety Guidance published
- Funeral Director Code of Practice consultation and publication
- Appointment of Inspector of Burial
- Burial ground management regulations
- Focus on burial application process, private burial and exhumation
- Lair restoration to use

Specifics

- Cremation/Burial Applications – Specifically Weights
- Memorial Guidance
- Funeral Poverty

Cremation/Burial Applications – Specifically Weights

- New Form A1

Section 4: Declaration

This section requires you to declare that the information you have provided in sections 1 to 3 is, to the best of your knowledge, true, and that you are entitled to apply for this cremation. **It is an offence to knowingly provide false information and if you do so you may be liable to a fine of up to Level 3 on conviction.**

You must declare that you understand the choice you have made about what is to happen to the ashes following the cremation.

Applicant's declaration

I declare that I have the legal right to apply for this cremation. To the best of my knowledge, the information I have provided is true and accurate. I confirm that the options for what can happen with the ashes have been explained to me and that I fully understand the option that I have chosen.

Signature of applicant:

Date (DD/MM/YYYY):

Combined weight of the coffin and deceased:
(complete if no funeral director involved):

Funeral Director (to be completed by the funeral director if services are used)

I declare that I have discussed the options with the applicant and know no reason why the cremation cannot take place. I understand that if I become aware of anything that may mean the cremation should be delayed between the paperwork being completed and the cremation taking place, I must inform the cremation authority and the applicant.

Name of funeral director's representative:

Company name and address of funeral director:

Postcode:

Combined weight of the coffin and deceased:

Signature of funeral director's representative:

Date (DD/MM/YYYY):

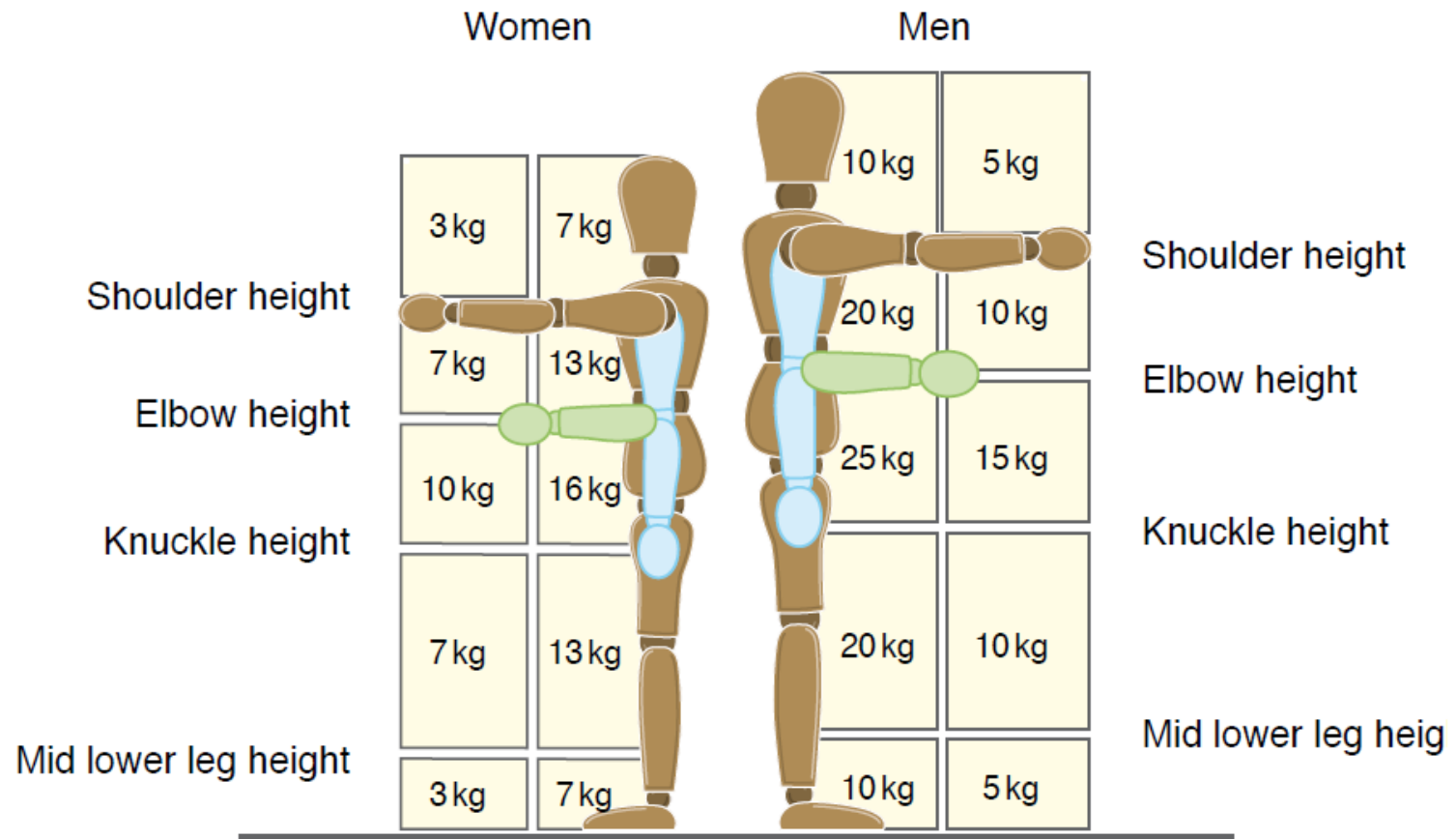


Figure 1 Lifting and lowering

Manual handling at work: A brief guide

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Memorial Inspection Guidance

Burial Ground Memorial Safety

Guidance for Scotland's Local Authorities

- Considered as part of the recommendations of the Craigton FAI
- Referred to in the B and C (Scotland) Act 2016
- Geared to complement the MoJ

Subject	Actions	Planned Outcome
Inspection Programme	<p>Agree a policy.</p> <p>Consult the stakeholders:</p> <ul style="list-style-type: none"> • lair-holders and public, • staff and senior management, • local authority architects or structural engineers, • other statutory bodies, • memorial masons, • funeral directors, • elected members of local authority, • relevant community groups or interest groups. <p>Publish the policy and commit to review the policy.</p>	<p>This allows an authority the chance to produce a policy that considers all its elements and may create a practical and workable process of inspections.</p> <p>By publishing and subsequently reviewing the policy at a set date the authority can ensure that all elements meet with current good practice and continue to reflect stakeholder input.</p>
Training	<p>Assess the availability of specific training:</p> <ul style="list-style-type: none"> • FBCA • ICCM • NAMM • independent specialist 	<p>There are a range of training opportunities, most of which will meet a recognised standard. Before deciding on which training best meets the needs of your circumstances, it may be worth providing the training agency with a copy of your inspection policy. In some circumstances the agency may assist in the preparation of a policy.</p>
Site and Zoning Risk Assessment	<p>Complete a process of prioritising the sequence of inspections across all locations e.g. identifying memorials in one burial ground as the first to be inspected, and memorials in a second burial ground as a lower risk to be inspected after, and so on.</p>	<p>Referencing criteria listed earlier in this guidance, assess all the burial grounds under your control. A score rating may be used e.g. the higher the frequency of visitors, higher the score would be. By applying this to each criteria, a total score will provide each site with a rating for categorising inspections.</p> <p>Once this zoning assessment has provided a priority of action, use the same criteria in each burial ground to provide a priority of actions in each site.</p> <p>Where relevant, specialist advice can be sought.</p> <p>Where necessary, consents or licences should be obtained</p>

Notification	<p>Notify all relevant parties. This may include:</p> <ul style="list-style-type: none"> • lair owners, • memorial masons, • funeral directors, • elected members of local authority, • relevant organisations which may have an interest in the memorial e.g. local authority archaeology and conservation advisors, HES, CWGC, community councils, city heritage trusts, friends groups etc. 	<p>The widespread publication of the inspection programme and what it aims to achieve may ease the anticipated impact of any action. Notices, examples of which provided earlier in this guidance, can also provide contact information and explain the on-going nature of the programme.</p>
Inspections	<ul style="list-style-type: none"> • inspect all memorials, • record all inspections, • record all actions, • identify when re-inspections will take place, • complete inspections. 	<p>The inspection programme may include all memorials within the burial ground. By applying a detailed risk assessment to each memorial the most suitable course of action may be identified.</p> <p>Referencing guidance earlier in the document, a record of inspections can list the factors assessed, the basis for the outcome, the action taken and also the expected time period before re-assessment.</p>

Making Safe	<ul style="list-style-type: none"> • repair, • cordoning, • sinking in/trenching, • staking and tying, • laying flat, • ground or section closure. 	<p>Some or all of the listed processes earlier in this guidance for making safe may be applied within a single burial ground. Before deciding on what to use, the on-going maintenance and scale of use of each process can be evaluated.</p> <p>Referring to an expert or outside specialist may however be the best way to fully ensure memorial safety in a burial ground.</p>
Reporting	<ul style="list-style-type: none"> • lair owner, • visitors, • management, • staff, • scheduled monument or listed status – appropriate notification to relevant authority e.g. HES. 	<p>Whilst making direct contact with a lair owner of any memorial may be difficult, a record of the outcome of any inspection should be recorded against the appropriate entry in a lair register. It is also important to ensure necessary stakeholders are aware of the outcome of inspections. In addition it is important to ensure an effective process is in place to advise management (and possibly elected council members) of outcome of inspections.</p> <p>Where necessary, the need for consents or licences for proposed management measures should be identified.</p>
Review	Fully review the policy and its processes at agreed, set intervals.	As good practice, this entire memorial inspection programme will benefit from regular and scheduled review. This ensures that all elements retain appropriate effectiveness.

Funeral Poverty

- Official statistics are not available on the average cost of **funerals**. Some research carried out by insurance organisations can, however provide indicative figures. ... London had the highest average basic **funeral** cost, at £5,951, followed by the South East and East of **England** at £4,656
- Scottish Gvt introduced funding to support no charges for children under 18 years of age
- This funding includes ERoB, Interment, memorial installation, etc

Questions