

HM Inspector of Crematoria

Annual Report

1 November 2016 - 31 March 2018

July 2018

Introduction

This report has been compiled by HM Inspector of Crematoria for the purpose of providing Scottish Ministers with a resume of duties undertaken in the role and covers the period 1 November 2016 to 31 March 2018.

In accordance with revised terms and conditions it is intended that future annual reports will cover the period 1 April to 31 March.

Background

The appointment of an independent Inspector of Crematoria for Scotland was one of the 64 recommendations made in the Report of the Infant Cremation Commission headed by Lord Bonomy, which was published in June 2014.

The Inspector was duly appointed and commenced in what was initially a part time role on 9 March 2015 on an initial contract of a two year period ending on 31 March 2017.

However, the part time (90 day commitment) role was found to be unsustainable and on 9 November 2016 it became a full time salaried appointment, with an agreed extension to the terms of the contract until 30 April 2017.

This was later extended to 31 December 2017 and more recently to 31 December 2018, or until such date as the relevant Regulations under the Burial and Cremation Act 2016 are commenced, at which time the role will become Inspector of Cremation.

In September 2017 the Inspector was required to register as a Data Controller with the Information Commissioner's Office. He has since responded to Data Subject and Freedom of Information requests.

Visits / Inspections

There are currently 30 crematoriums in Scotland, a figure which has increased at a rate of one per year, over the past 3 years.

Of those, 16 are privately owned, the remainder being local authority.

Since the date of appointment (9 March 2015) the Inspector has made over 100 visits to crematoriums in Scotland, with further regular contact with management via telephone, email and meetings.

During the period of this report every crematorium in Scotland has been visited at least once (between 11 November 2016 and 9 August 2017) to discuss current issues, and the sharing of good practice. A further visit to each is currently ongoing to carry out a formal inspection, with 16 having been inspected since 17 October 2017.

Meetings / Seminars / Liaison with Stakeholders

Over the period of this report the Inspector has attended a wide range of meetings, and seminars with stakeholders, as summarised below:

National Committee on Burial and Cremation
Scottish Government (SG) Burial and Cremation Team
SG Working Group on Funeral Poverty
SG National Mass Fatalities Group
SG Resilience and Mass Fatalities Sub-Groups
Number of NHS health boards
Spire Healthcare
Scottish Neonatal and Paediatric Donation Project Seminar
Golden Charter
Number of local authorities
National Association of Funeral Directors (NAFD)
National Society of Allied Independent Funeral Directors (SAIF Scotland)
Institute of Cemetery and Crematorium Management (ICCM)
Federation of Burial and Cremation Authorities (FBCA)
Scottish Bereavement Benchmarking Group (SBBG)
Scottish Environmental Protection Agency (SEPA)
Crown Office and Procurator Fiscal Service (COPFS)
Police Scotland
Inspector of Funeral Directors
Humanist Society Scotland
NHS Education for Scotland Bereavement Support Sub-Group
MSPs
Cremation Society of Great Britain 2018 Conference - Cremation & Burial
Communication & Education 2018 (speaking June 2018)

Complaints / Enquiries

The following is a summarised resume of some of the varied complaints or enquiries reported to the Inspector during the period of this report, details of which have been anonymised.

1. There were two instances where a breakdown in communication concerning a change of instruction by the applicant resulted in ashes being scattered rather than collected. In both cases the crematorium had not been advised of the change of instruction prior to cremation.
2. This enquiry concerned the recovery of ashes from storage following the closure (bankruptcy) of a funeral director.
3. This enquiry concerned disputed signatures on 3 sets of application forms for cremations (detailed report submitted to Scottish Ministers on 1 February 2017).
4. There have been a number of enquiries concerning deceased persons having multiple addresses with different ones being recorded on documentation.

5. This complaint concerned an allegation from a bereaved parent that requested information was not being provided by the cremation authority.
6. This enquiry concerned a dispute between relatives regarding the legal entitlement of a person to make application for cremation.
7. This enquiry concerned procedures regarding the disposal of legally retained organ and body parts.
8. This complaint concerned information from a 'whistleblower' regarding alleged actions by a person within the funeral industry (detailed report submitted to Scottish Ministers on 13 December 2017).
9. This enquiry concerned a cremation having been carried out without the required Form E1 from COPFS having been issued (detailed report submitted to Scottish Ministers dated 29 September 2017).
10. This complaint concerned a question of the legality and wording of a disclaimer on documentation required as part of an application for cremation.
11. This complaint concerned information from a 'whistleblower' regarding alleged incorrect advice being given to bereaved parents.
12. This enquiry concerned issues relating to the exhumation of ashes following expiry of a lease.
13. This enquiry concerned issues relating to combined ashes being presented for interment.
14. This enquiry concerned a request for cremation of a pregnancy loss delivered at home with no medical intervention.
15. This enquiry concerned a dispute over entitlement to collect ashes from a crematorium.
16. This enquiry concerned inaccurate information on the nameplate on a coffin delivered for cremation.
17. This complaint concerned information from a 'whistleblower' regarding alleged malpractice by staff.
18. There have been a number of enquiries concerning the policies of crematoriums where the applicant does not wish to engage the services of a funeral director.

All the above complaints / enquiries have either been resolved in full by the Inspector, are in the process of being investigated by the Inspector or have been passed to the appropriate agency for further investigation.

When considered against the complaints and enquiries reported to the Inspector during the first eighteen months of his appointment, it is worthy of note that there have been no instances of mislabelling or inadvertently combining ashes during this

period, compared to 3 such cases (impacting on 6 families) highlighted in the last annual report.

There has however been a noted increase in what is termed 'whistleblowing' with 3 such reports having been received. Whilst in 2 of the 3 cases the employers have a policy for dealing with such reports, the informants preferred to relay the information to someone independent.

The period of this report has seen a marked increase in the number of enquiries to the Inspector. This is considered most likely to be as a result of greater public awareness of the post, and following on from the various meetings and inputs to stakeholders.

Findings from Visits and Inspections

There has been 100% recovery of ashes from all cremations carried out during the period of this, and the previous annual report.

A number of crematoriums have undergone major refurbishment and the installation of new cremators. During periods of restricted use, arrangements were made for cremations or services to be conducted elsewhere. There were no reported issues concerning any of these.

The following is a brief resume on the current position regarding some of the matters highlighted in the previous annual report and which were subsequently discussed during visits:

Items left in coffins – there has been a noted reduction in issues (emissions / items recovered following cremation) reported, however, there have been a few instances where it has been suspected that heavy duty body bags used to wrap decomposed bodies may be a likely cause. As this can lead to the crematorium being penalised by SEPA (lower grading or written warning) the Inspector has agreed to explore the matter further in conjunction with the Inspector of Funeral Directors.

Form E1 from COPFS – as mentioned earlier this remains 'work in progress'. A meeting has been held with COPFS, and in addition the proposed new application forms takes cognisance of the various issues or uncertainties which currently exist.

Improved communication – The two cases referred to earlier in this report (change of instruction forms) highlight that there remains room for improvement. As will be seen from the list of meetings/seminars/liaison detailed, there has been a determined effort to include active communication on a wider scale at all levels.

Defibrillators – There has been a noted increase in the number of cremation authorities that have now acquired defibrillators, and there has been one reported incident where following a collapse it was deployed successfully.

Contracts – Whilst all crematoriums that carry out shared cremations from NHS have either a verbal arrangement or memorandum of understanding, not all have progressed to formalising the agreement into a contract. A number are awaiting legal

opinion before completing. Further comment on shared pregnancy loss cremation is made below.

Identity Labels on ashes – in light of issues highlighted in the previous annual report concerning the mislabelling of ashes, working practices have been changed at a number of crematorium to minimise the risk of such an occurrence.

Current Enquiries (of note)

It has recently been reported to the Inspector that a number of crematoriums, who hitherto, have accepted NHS shared pregnancy loss for cremation, are considering no longer continuing with this arrangement.

At the time of writing this report the reasons for cremation authorities considering such a change are unclear, and it should be stressed that such a change is only likely to relate to private crematoriums.

Whilst there is not a statutory duty on local authorities to provide such a service (the service is provided to NHS) public expectation is for public bodies to work together.

The Inspector has prioritised dialogue with the relevant stakeholders on this very important issue.

A further matter which has recently been raised relates to the lack of inclusive space for internment or scattering of ashes for those of a non-Christian faith or of no religion. It has also been said that there is a lack of transparency in making this information known to applicants in advance of the cremation.

There have also been concerns raised over the presence of Christian religious symbols, particularly the 'cross' in chapels and gardens of remembrance. There have been a number of occasions where at the request of applicants steps have been taken (where practical) to remove or conceal the cross (in chapel) for the duration of the service.

The Inspector is involved in ongoing discussion with a number of stakeholders, and has met with the Humanist Society Scotland, to address some of these concerns. It is their view that current practices leave their 15,000 members and those of other non-Christian faiths and beliefs open to discrimination as defined under the Equality Act 2010.

It is understood that these two recently reported issues (shared pregnancy loss and religious symbols) originate from the same complaint.

Conclusion

With commencement of the Inspection (Scotland) Regulations, the role of Inspector of Crematoria will become Inspector of Cremation, bringing with it powers which currently do not exist.

To date, the Inspector has been able to carry out the role with the full co-operation and assistance of cremation authorities and there is no reason to suspect that this will change.

The wide and varied complaints and enquiries highlighted are considered to be due to greater public awareness of the funeral industry and restored confidence in the regulatory authorities.

The appointment of the Inspector of Funeral Directors has been welcomed by cremation authorities.

Over the past year there has been a notable increase in the number of direct (no service) cremations, and requests for funerals without the services of a funeral director. The reasons for this are varied, with greatly reduced costs being the main one.

A number of crematoriums have declined to accept applications where the services of a funeral director are not being used. The greatest concern relates to an assurance that the coffin is of an acceptable standard and that nothing is present which would have an adverse effect on emissions, or cause damage to the cremator. Further concern relates to the means of transport used to convey the coffin to the crematorium.

It has been noted the two main issues which are current relate to shared pregnancy loss and the lack of provision for dedicated grounds for the scattering or internment of ashes for those of non-Christian faiths and beliefs, or of no religion.

It is anticipated that these matters will generate much debate, with both private and local authority owned crematoriums.

The Inspector is pleased to report that despite an increase in deaths and cremations over the winter period, followed by a period of heavy snow causing temporary closures of a number of crematoriums, all operated below capacity, and in conjunction with funeral directors and applicants, they were able to re-schedule those cremations which had to be postponed within an acceptable timescale.

Of note, there were no complaints reported to the Inspector in respect of these arrangements.

A hidden benefit of dealing with these extra demands has been the successful implementation and review of local contingency plans.

In closing, the Inspector wishes to record his appreciation for the assistance and co-operation afforded to him by the cremation authorities and other stakeholders during the period of this report.

Respectfully submitted

Robert Swanson QPM
HM Inspector of Crematoria
12 May 2018



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