

Cross-Party Group on <Funerals and Bereavement >

Date and Time: 13th March 2024 6.30pm

Minutes

Present

MSPs

Jeremy Balfour MSP
Roz McCall MSP

Invited guests

Jenni Minto, Minister for Public Health and Women's Health

Non-MSP Group Members

Jane Matheson – Edinburgh City Council

Paul Cuthell - NAFD

James Morris – SAIF

Andy Brown – NAFD

James Blackburn - NAFD

Andrew Judd – CEO NAFD

Barry Pritchard NAFD President

Jeremy Balfour MSP

Terry Tennens – SAIF

Mark Hazlewood – Scottish Partnership for Palliative Care

Rose Jackson, Scottish Pensioner's Forum

Alison Wilson – Golden Charter

Helen Chandler – Kindly Earth

Gordon Swan – NAFPP

Matthew Higgs – Cruse Scotland

John Halliday - Community Renewal

Apologies

Fiona Arnott-Barron – Cruse

Rachel Bradburne – NAFD

Linsey Kidd – Scottish Cot Death Trust

Agenda item 1

Welcome and apologies, minutes of previous meetings, matters arising, correspondence

Jeremy Balfour welcomed the group and took apologies.
No matters arising or correspondence to note.

Agenda item 2

Jenni Minto, Minister for Public Health and Women's Health.

The Minister answered a set of questions tabled in advance of the meeting.

Key points raised:

- **Refrigeration:** Capacity for refrigeration is not pre-defined by the Funeral Director Code of Practice but will be in the required SLA between Funeral Director and refrigeration provider(s). This allows flexibility depending on individual circumstances.
- Capacity requirement is very different geographically, as are different faith requirements.
- Dialogue will continue with Funeral Directors to determine what regulations should say about this.
- If someone has been embalmed then refrigeration is not necessary, there isn't the same necessity to freeze.
- The Code of Practice is designed to ensure that people using a Funeral Director's service get the best service possible.
- The SLAs with other organisations is designed to allow flex in the system if FDs are at capacity.
- **Code application for online/non-Scotland based companies.** The Scottish Government only holds responsibility for what happens within Scotland. It is up to Scottish FDs who are responsible for the deceased person and who are dealing with online/cross-border firms to let those business know what they

are responsible for under the Code and ultimately they are responsible for meeting the Code. Companies based outwith Scotland/online are not subject to the Code.

- **Publicity:** Information will be on the website, but not planning do to printed brochures. MSPs can share on social media once a question is asked. A letter will also go to MSPs.
- **Alkaline Hydrolysis:** Responses to the consultation will be issued in two to three weeks. No exact time for introduction, but at the moment the thinking is at some stage in 2025.
- **Cost of licensing scheme and when will inspections start:** There will be more inspectors as currently there is only one. Still working through costs. Once inspection regulations come into place – both for FDs and Burial and Cremation authorities - it will give inspectors the power to carry out inspections. Licensing will be companies, not individuals.
- No set date for when inspections start after March 5 2024 when the Code comes into operation. Hopeful that FDs will be compliant by then as the Code will have been available for a year.
- Scottish Government has standards responsibility for hospital post mortems, but not Procurator Fiscal ordered PM. Likewise there is no SG standards responsibility for NHS/local authority mortuaries.

After the Minister had left, James Blackburn noted that the information on Alkaline Hydrolysis was vague. Jane Matheson informed the group that the Scottish Government had issues mortuary standards.

Action point: The group is to write to the Minister seeking confirmation that inspections would not begin on March 6th 2024 and that further information would be provided by the Government ahead of inspections starting.

Agenda item 3

Reflection on Winter 2023 and lessons learned

It was noted that Winter 2023 had been generally quiet with no major incidents.

Agenda item 4

SunLife Cost of Dying Report.

This item was placed on the agenda in case anyone wanted to pass comment. It had attracted media reports that the cost of dying had gone up.

John Halliday said that the report was very useful and one of the benchmarking reports he uses. He said it showed that the cost of a funeral (as opposed to the cost of dying) had gone down, while inflation had gone up, so debunking his belief that funeral costs were CPI linked.

James Morris said that SunLife have a vested interest to inflate prices in their report as they sell insurance.

Agenda item 5:

Funeral Support Payment

Jeremy Balfour said that the Social Security Act was open for review by the Government and as such if the Group wished to submit a proposed change to the form that, as had previously been highlighted by the group, insists that the payment goes to the funeral director rather than the applicant, who sometimes then does not pass it on, leaving bad debt with the funeral director, there was an opportunity to propose the change. He suggested it could also be broadened to include different types of disposals other than burial, cremation and alkaline hydrolysis.

John Halliday: Highlighted the work of the Poverty Alliance and invited members of the group to get involved. It is campaigning for a step change in the Funeral Support Payment to allow it to go up as well as down if the costs of a funeral drops or are individually low. He highlighted funeral directors who won't take a funeral because the applicant cannot pay a deposit; the award going straight to the funeral director would ease some of those concerns.

Jeremy Balfour said uptake of the award is not as high as it should be.

Action point: The Group will lobby for the proposed change.

Agenda item 6

AOB

Paul Cuthell (via Nick Britten) said that his local authority, Falkirk Council, had raised their charges by 30% for the forthcoming year, and asked whether anyone else was experiencing significant changes. It was discussed what local authorities were doing and Jane Matheson said she could provide an updated list of what local authorities were charging.

Andrew Judd raised the case of a funeral director who had been left with a deceased person for several months without the necessary level of refrigeration. The

deceased had died at a nursing home and the family were refusing to permit a funeral because they wanted a post mortem, which had been refused by COPFS. His local authority had already refused to help, as had other public bodies. There was a loophole in policy/procedures in such situations.

Mark Hazlewood updated the group around bereavement policy and having produced a report with 10 recommendations, it was apparent that bereavement sat across multiple portfolios. He had enlisted Maree Todd MSP to act as a “bereavement champion” and consultant to help bridge across portfolios. The group is creating a Bereavement Charter.

James Blackburn raised the ongoing situation and police investigation involving Legacy Independent Funeral Directors in Hull and said that while the exact circumstances remained unclear, it was reassuring that licensing and the Code of Practice was being introduced in Scotland.

The Date of the next meeting is scheduled for 19 June 2024 at 18.30 at the Scottish Parliament and on Teams.