

# Citizens Advice Scotland

Scottish Association of Citizens Advice Bureaux  
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generations of good advice

## Consultation on a proposed Bill relating to burial and cremation and other related matters in Scotland

### Response from Citizens Advice Scotland

April, 2015

*Fraser Sutherland, Policy Officer*

Citizens Advice Scotland (CAS), our 61 member bureaux and the Citizens Advice Consumer Service helpline form Scotland's largest independent advice network. Advice provided by the Scottish CAB Service is free, independent, confidential, impartial and available to everyone. Our website, Adviceguide, also provides the public with up to date information on a range of topics. We are champions for both citizens and consumers and in 2012/13 we helped over 314,000 people deal with over a million issues.

## Foreword

Citizens Advice Scotland (CAS) welcomes the opportunity to respond to this consultation on a proposed bill on burial and cremation and other associated areas.

As part of this response we provide a number of case studies of real life situations that our Citizens Advice Bureaux (CAB) staff and volunteers have assisted with on this topic. We also draw on cases and data from the Citizens Advice Consumer Helpline (formerly Consumer Direct). We hope these examples of how policy in practice can impact on grieving families and those who may be responsible for making funeral arrangements or paying their costs is useful.

Advice regarding funerals has risen in recent years, as our recent *Real Deal* publication on the subject highlighted<sup>1</sup>, and the CAB service now helps with just over one issue a day in Scotland regarding funerals. In 2013/2014 advice regarding funerals rose by 27 per cent compared with the previous year. Many of these cases relate to the cost of the funerals although other issues, such as conduct of funeral directors and memorial provision are raised.

We are pleased that the Government have listened to our concerns regarding the disappointing rise in the number of Scots who are now struggling to pay for a funeral for a loved one and have looked to address these concerns in this bill. We are committed as an organisation to help advise clients about how best to arrange and afford a funeral. We are also campaigning to control the costs that consumers must bear for what is a large and often unplanned expense at a time when they are particularly vulnerable.

Citizens Advice Scotland, as Scotland's consumer champion, has worked with many other interested parties in this area as part of the Scottish Working Group on Funeral Poverty. We are pleased that this group not only brings together consumer organisations like ourselves but also the funeral industry with both National Society of Allied and Independent Funeral Directors (SAIF) and National Association of Funeral Directors (NAFD) represented and active members. Our experience in this forum is that many funeral directors recognise the growing problems of high costs and indeed are doing much to challenge how the costs can be controlled. We welcome the industry's approach in this market and we will continue to work with them to ensure cost savings can be passed on to consumers, especially those struggling to afford even the most basic funeral. We have worked collaboratively with this working group and we support the groups' response, which we helped draft, to this consultation in addition to this response.

As part of our response we have highlighted an additional area, National Assistance Funerals, on which we have undertaken research since the publication of our recent publication on funeral costs. We believe that there are a number of issues with the current provision of national assistance funerals and how these are administered and we believe that this bill represents an opportunity to deal with these issues.

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<sup>1</sup> Citizens Advice Scotland, The Real Deal: Funeral Costs, 2014

## **The legislative framework**

*Q1 – Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?*

Yes  No  Don't Know

CAS agrees that removing the large number of different pieces of legislation and regulations and putting it into one new act will help bring all the rules on burials, cremations and funeral provision into one place and make it easier for businesses, burial authorities and consumers to understand their rights and responsibilities.

CAS believes that the Scottish Government should review the provisions for National Assistance Burials/Cremations in the National Assistance Act 1948 and consider if this should be replaced by the forthcoming bill. The rules around this provision were updated for England and Wales in the Public Health (Control of Disease) Act 1984. However, Scotland remains on the Act of 1948 which we consider, because of a number of amendments, has become unwieldy, dated and in some parts unclear. We have detailed more on the issues we have identified with current national assistance funerals and where we think the forthcoming legislation could improve this on page 28 of this response.

*Q2 – Are there any particular powers that are required by Burial Authorities or Cremation Authorities that are not provided for by current legislation?*

Response: CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

*Q3 - Do you agree that the proposed Burial and Cremation (Scotland) Bill should apply to all cemeteries and crematoria in Scotland, regardless of whether they are publically or privately operated? If not, please set out reasons why not.*

Yes  No  Don't Know

We believe that the same rights and treatment should be expected by all consumers who pay for a service no matter if the service is run in the private or public sector. As the Scottish Government note in their consultation document most, if not all, private operators already voluntarily comply with the current legislation. Therefore, we do not believe that ensuring that this applies on a statutory basis would have any negative impact on those businesses but could bring better security and stronger rights for consumers.

*Q4 - Do you agree that the Bill should contain provisions which apply to all facilities where any new method of disposal which might be introduced in Scotland are carried out?*

Yes  No  Don't Know

While CAS do not have any opinion on the validity or suitability of any new facilities for disposal we believe that if these are introduced then the same consumer protections should be in place as there are for burials and cremations. Future proofing the legislation for such developments is a welcome step.

*Q5 - Do you agree that the Bill should contain provisions to regulate environmentally friendly methods of disposal that are already available in Scotland?*

Yes  No  Don't Know

Alternative methods of 'natural burial', such as woodland burials, have increased in popularity in recent years. Some sites are run by local authorities as a choice as well as their traditional lairs while others are operated privately. We welcome that a number of Local Authorities have responded to consumer demand for these new types of burials however it is noted that there are large areas of the country without this type of provision (figure 1). As with our answer to question four we would prefer a system where all methods of disposal met the legislation and bring 'natural burials' into appropriate regulation.

The following locations in Scotland provide woodland or other alternative methods of burial<sup>2</sup>:

Local Authority Cemetery: Woodland and/or Meadow Burial

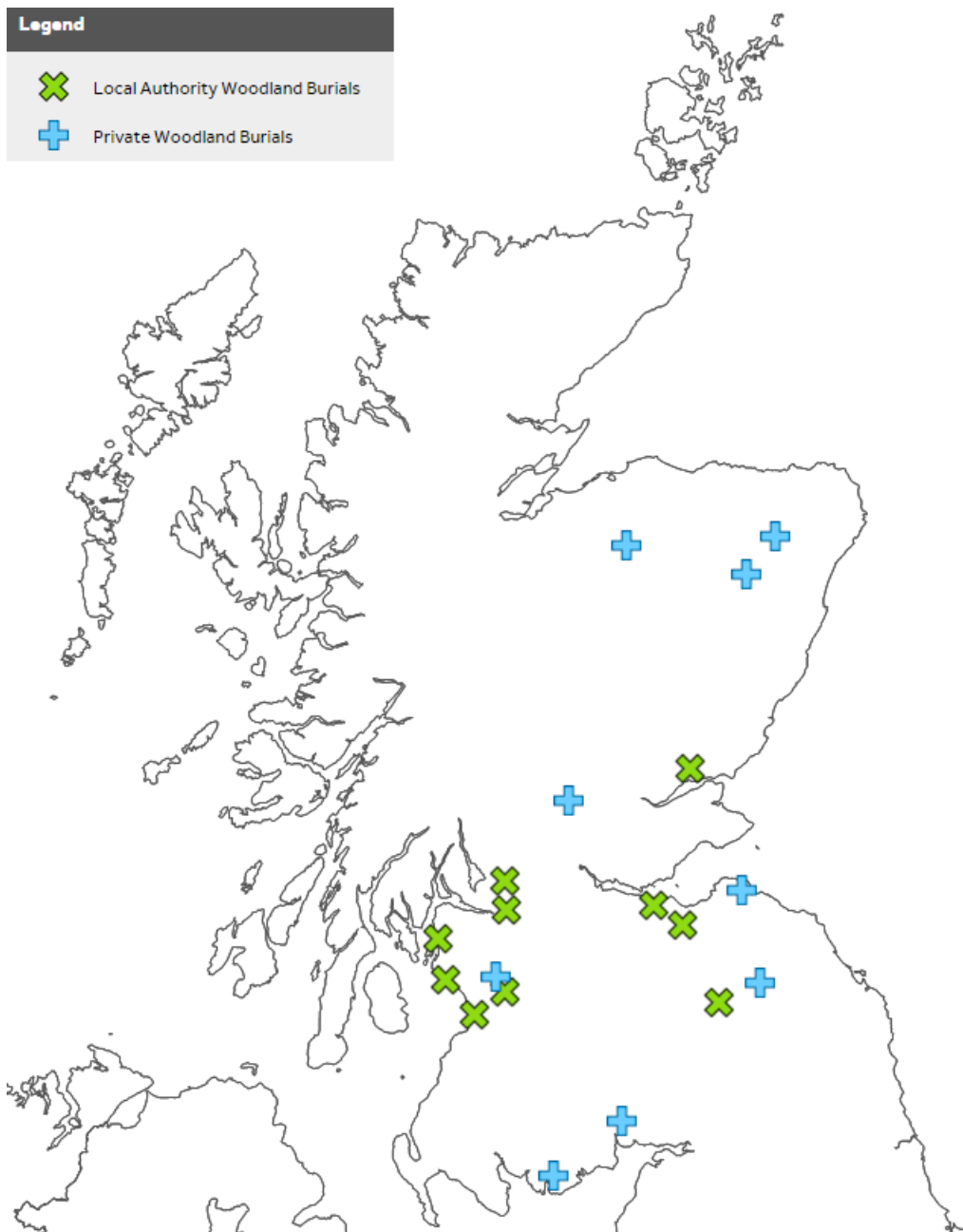
Ardrossan Cemetery, Saltcoats, North Ayrshire  
Birkhill Cemetery, Dundee  
Brisbane Glen Cemetery, Largs, North Ayrshire  
Cockpen Cemetery Woodland Section, Rosewell, Midlothian  
Corstorphine Hill Cemetery Woodland Burial, Corstorphine, Edinburgh  
Killearn Woodland Cemetery, Killearn, Stirling  
Langfaulds Cemetery, Bearsden  
Meadow Woodland Burial Site, Galston Cemetery, Galston, East Ayrshire  
Monkton Woodland Cemetery, Monkton, South Ayrshire  
Shawfield Woodland Burial, Selkirk, Scottish Borders

Privately Run Woodland Burial

Binning Memorial Woodland, Tynninghame, East Lothian  
Clovery Woods of Rest, Turriff, Aberdeenshire  
Cothiemuir Hill, Alford, Aberdeenshire  
Craufurdland Woods, Kilmarnock, East Ayrshire  
Delliefure, Grantown of Spey, Morayshire  
Glenley Green Burials, Kirkcudbright, Dumfries and Galloway  
Hundy Mundy Wood, Kelso, Scottish Borders  
Roucan Loch, Dumfries, Dumfries and Galloway  
Strowan Woodland Cemetery, Crieff, Perth and Kinross

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<sup>2</sup> Natural Death Centre



**Figure 1: 'Natural Burial' Grounds in Scotland**

Q6 – *Should the Burial and Cremation (Scotland) Bill contain provisions pertaining to home burial?*

Yes  No  Don't Know

Q7 - *In making legal provision for home burial, what factors should be considered?*

Q8 - *Are there are any reasons why private cremation should not remain illegal?*

Yes  No  Don't Know

CAS has no evidence or opinion on home burials and defer to those with direct knowledge.

*Q9 - Do you agree that alternative methods of disposing of the dead should be regulated for in this way? Are there any particular alternative methods that should be considered? Are there any particular methods which should be prevented from being used in Scotland?*

Yes  No  Don't Know

While CAS do not have any opinion on the validity or suitability of any new facilities for disposal we believe that if these are introduced then the same consumer protections should be in place as there are for burials and cremations. Future proofing the legislation, such as allowing for new regulations when new methods are available, is a welcome step.

*Q10 - Do you agree with this definition of ashes? If not, how should ashes be defined?*

Yes  No  Don't Know

CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

*Q11 - Do you agree that a minimum distance of 200 yards (182.9 metres) should be required between crematoria and housing? If not, please explain why not.*

Yes  No  Don't Know

*Q12 - What are your views on the use of enforcement powers or penalty powers in response to such a minimum distance being breached?*

We support the proposal that a minimum distance should be required to give a secluded and private space for mourners.

We would support planning authorities having the ability to enforce the 200 yard rules where conditions were not met so as to protect nearby residents of any new crematoriums. While it is the responsibility of the developers to ensure they have met the legal conditions it is likely that any homeowner who lived within 200 yards would have to take costly and lengthy legal action to enforce this law. This could be beyond many individuals' ability and therefore a planning authority should have the ability to enforce as they would any other planning breach to protect local residents.

### **The right to instruct the disposal of human remains**

*Q13 - Do you agree that the right to instruct the disposal of a body on death in the case of an adult should be vested in the nearest relative using the definition at*

*Section 50 of the Human Tissue (Scotland) Act 2006? If not, why not? In whom should this power be vested instead?*

*Q14 - In the case of the death of a person under the age of 16 years, do you agree that the right to instruct the disposal of the body should follow the proposal at paragraph 43? If not, why not? In whom should this power be vested instead? How should this be defined in legislation?*

*Q15 - Do you agree with the proposal for who should have the right to instruct the disposal of the body in the event of a stillbirth? If not, why not? Who should have the right to instruct the disposal of the body in the event that the mother or father are unable to do so? How should this right be defined in legislation?*

*Q16 - Do you agree with the proposal of allowing someone not listed to instruct the disposal of human remains in the case of a stillborn baby, pregnancy loss and the death of a child only on cause shown? Is it appropriate that no similar provision is proposed for the death of an adult?*

Yes  No  Don't Know

CAS has no evidence or opinion on this matter. Whatever the agreed process for deciding who should have the power, this information should be available to members of the public to consult.

### **The management of cemeteries**

*Q17 - Do you agree that Scottish Ministers should have the power to make regulations pertaining to the general management of cemeteries, including giving Burial Authorities the right to take action to address unsafe, damaged and abandoned lairs and memorials?*

*Q18 - Alternatively, would the introduction of non-statutory guidance provide a useful option between the current situation where no guidance exists and the introduction of regulations?*

Yes  No  Don't Know

*Additional information:*

CAS are concerned about the potential cost implications of regulation which may in turn be passed onto consumers who are purchasing lairs. Our research suggests that the average cost of a burial lair in Scotland is £600 and interment fees on average are £580<sup>3</sup>. This is a significant and sometimes unaffordable cost to individuals and families who may have recently lost a main income supplier from a home or who live on low incomes.

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<sup>3</sup> Real Deal: Funeral Costs, Citizens Advice Scotland, 2014

We do however support the need for action regarding the accreditation of stonemasons and the quality of work and services that they supply as highlighted by the Burial and Cremation Review Group.

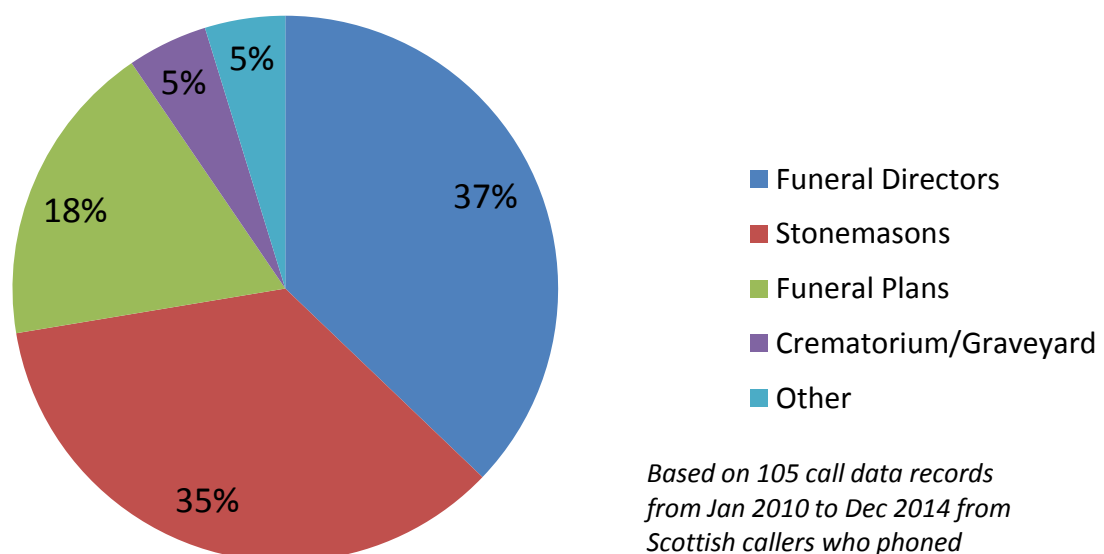
Interrogation of our data from the Citizens Advice Consumer Helpline shows that problems with stonemasons account for 35% of all calls regarding funeral services (figure 2). Complaints focus on failure to carry out the work in a reasonable time, poor standard of work or not matching the sold product, and failure for the consumer to get any redress when something does go wrong.

A client in East Central Scotland phoned the Consumer Helpline after paying £4,000 in stonemasonry charges for a headstone, landing and kerbing. When installed, the kerbing did not match the colour of the headstone or landing as requested and ordered. When raised with the trader they said that the kerbing would cost a further £645 to replace as he would need to buy new materials.

A client in North East Scotland phoned the Consumer Helpline when a stonemason had failed to carry out the work on a memorial to a suitable standard or within a reasonable time. The client had paid the trader £269 to add an additional name to a headstone. However the trader had not carried out the work four months later despite repeated contact from the consumer. The work had then been completed but damage had been done to the headstone and paint had run down it. The trader refused to agree to a reduction in the price.

A client in East Central Scotland phoned for advice after the headstone he had purchased four years ago for £2,000 had already significantly faded and crumbled in places. The trader claims his work is only guaranteed for a year but the client feels this is unfair given the nature of the product.

**Figure 2: Calls to Consumer Helpline regarding funeral services**



*Based on 105 call data records from Jan 2010 to Dec 2014 from Scottish callers who phoned regarding funeral services.*



We believe that the Scottish Government should therefore introduce a requirement for stonemasons providing memorials for Scottish burials to be a member of an approved Accredited Trade Association. We believe that this approach would open the door to better forms of redress for consumers where problems arise or services are not carried out in a timely manner. We are aware of one trade association in this market, The National Association of Memorial Masons, however there may be others. Any trade association that were to be accredited by the Government or burial authorities should provide as a minimum:

1. A code of practice which lays out
  - a. minimum standards in their work and quality of products
  - b. clear pricing practices
  - c. timeframes for reasonable completion of services
  - d. safeguards when dealing with vulnerable consumers
2. Access to a free alternative dispute regulation service to deal with any complaints from consumers

This form of approved self-regulation may be a much cheaper alternative to a full regulation system thus keeping costs to the consumer down.

*Q19 - Are there any reasons why a minimum burial depth of 3 feet from the surface to the top of the coffin should not be implemented? Should there be any exemptions?*

Yes                       No                       Don't Know

CAS has no evidence or opinion on this matter and defer to those with direct knowledge

### **Burial and cremation records**

*Q20 – Do you agree that records and forms relating to burial and cremation in Scotland should be stored and transferred electronically wherever possible? Should any exclusions apply? Should this be applied to all forms of disposing of human remains in Scotland?*

Yes                       No                       Don't Know

CAS supports the move from paper records to electronic recording where possible and in time. We believe that this should apply to all forms of disposal to bring a level approach across the sector.

After carrying out a number of Freedom of Information requests at the end of 2014 CAS believe that record keeping with regards to National Assistance Burials is currently poor, varies widely between burial authorities and needs a statutory underpinning to improve. We detail our concerns around National Assistance Burials at the end of the consultation.

Q21 – *Should records and forms relating to burial and cremation be kept for 50 years or is it better that they are kept indefinitely?*

50 years                       Indefinitely                       Other period

**Alleviating pressure on burial grounds**

Q22 - *Do you agree that the sale of lairs in perpetuity should be ended?*

Yes                       No                       Don't Know

CAS supports the ending of lair sales in perpetuity to help alleviate the pressure on burial grounds which leave some individuals not being able to purchase a lair in their chosen place. CAS supports the recommendation of the Burial and Cremation Review Group that lairs should be sold on a 25 year lease.

Q23 - *Does the proposed alternative approach provide a suitable balance between enabling people to buy lairs and safeguarding lairs for the future?*

Yes                       No                       Don't Know

We understand that some individuals would like to buy lairs in advance especially if the burial place has a personal or family connection to them. However we understand that many plots that are bought in advance of a death often remain unused and therefore block the ability for others to have space in their local cemetery. We support the view that lairs are best sold for use within a reasonable period. We would support the Government's proposal of use within the next 25 years.

CAS are aware that some burial authorities currently bar any sales except for immediate use and we would prefer that where a lair was to be used in 25 years that this sale should progress (see answer to question 26).

A West of Scotland CAB reports of a client who wanted to buy a lair for his local cemetery as all his family are buried there and that is where he would like to be buried. The client is an elderly gentleman who was recently diagnosed with a terminal illness. The burial authority refused to sell him the lair as they have stated that the cemetery is filling up and their policy is only to sell for immediate use (i.e. for someone who has already passed away). The client is concerned that if he can't buy it now there may be no space left once he dies in his chosen burial place.

Q24 - *Should there be any restrictions about to whom the owner of a lair can transfer his or her interest? Should this be restricted to family members?*

CAS do not believe this should be restricted within the legislation. We support the view that the individual's wishes should be respected and where they have made it

known that their interest should move to a named individual this should be allowed. It may be useful for Burial Authorities to ask at a purchase if the purchaser wishes to nominate an individual to whom the interest in lair should pass to on their death. This would give Burial Authorities the records for an additional route to find a responsible owner at the end of the 25 year lease and contact in the case of disrepair.

*Q25 - Do you agree that Burial Authorities should no longer be able to sell multiple lairs or blocks of lairs to an individual?*

Yes  No  Don't Know

CAS supports this change, again to help alleviate pressure on burial space by bringing back into use a number of unused lairs.

*Q26 - The Burial and Cremation Review Group recommended that Burial Authorities may refuse to sell a lair if it believes that it is not for imminent use. How long should constitute 'imminent' in this situation? How could this be tested?*

We support the Government's view that a 25 year period is reasonable. The testing of this could be extremely difficult for burial authorities especially in delicate circumstances such as terminal illnesses. CAS suggests the testing be as simple as asking the individual if the lair be used in the next 25 years and drawing attention to the purchaser that they will only have a 25 year lease. We do not expect that there would be any number of individuals fraudulently claiming that they will use a lair sooner than truly expected.

*Q27 – Do you agree with the proposal that full lairs and partially-full and unused lairs should be considered for reuse in certain circumstances with appropriate safeguards in place?*

*Q28 - Is a period of 75 years sufficient before reuse of a full lair can be considered?*

Yes  No  Don't Know

CAS support the re-use of lairs thus alleviating the pressures on burial grounds. We believe that 75 years is a reasonable time subject to the relevant checks against any objections as detailed in the consultation.

*Q29 - Does the initial consultation provide sufficient assurance that relevant specialist interests have been consulted? Should any other specific organisations or groups be consulted at this stage?*

Yes  No  Don't Know

We support the approach described but believe that for areas which were set aside for a particular religious or faith group that these areas should remain for individuals of that faith community or else consult with the faith group before being released for general use.

*Q30 - Does the process set out allow for sufficient notice to be given that a lair is being proposed for reuse? Should any particular methods of notification be used in addition to those noted?*

Yes  No  Don't Know

Yes, 12 months is an appropriate notification period. We would however support the proposal that notices also be placed at the graveside as not all those visiting a grave may check the notices at a central notice board point. It would be appropriate for these notices at the graveside to be sufficiently noticeable but tasteful given the location.

*Q31 – What can be done to make sure that there are no financial disincentives to opposing the reuse of a grave?*

CAS would oppose any moves to make those who would object to the re-use of a grave becoming responsible for its upkeep. There should never be a situation where an individual feels they cannot object to the re-use due to their inability to pay costs for repairing a headstone for example.

*Q32 - Other than family members, who should be able to object to the proposed reuse of a lair?*

We believe that a family objection should face no opposition from a burial authority. There may be circumstances where others may wish to object to the re-use of a lair. For example local history groups may support the retention of a lair of a person of significant historical importance to the local community. This objection should be met with a test of reasonableness to avoid blanket objections to the re-use of any lairs. We believe that most burial authorities would respect any objections as it is unlikely that objections would be made on a fictitious or vexatious basis (in the City of London cemetery where this process of lair re-use already exists we understand that the authority generally accepts all objections).

*Q33 - What considerations should be made to determine whether an objection from a non-family member is legitimate?*

CAS believes that most objections would be for legitimate reasons and they should only be rejected where they were made on a vexatious or time-wasting basis.

*Q34 - If the Burial Authority decides not to reuse a lair on the basis of an objection from a non-family member, should that person become liable for the maintenance of the lair? If not, should the Burial Authority remain responsible?*

No, there should be no disincentive for objecting on a legitimate basis, the responsibility should remain with the burial authority.

Q35 - Do you agree that the 'dig and deepen' method should be used to allow the reuse of full lairs?

Q36 - Are any other techniques available that should be considered?

Yes  No  Don't Know

CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

Q37 - Do you agree that headstones and memorials may be reused if appropriate?

Yes  No  Don't Know

If the purchaser wishes and there are no objections.

Q38 - Do you agree that headstones and memorials should be removed from lairs if they cannot be made safe? In this instance, what should happen to headstones and memorials that are removed?

Q39 - Are any other approaches for easing the pressure on burial land suitable for use in Scotland? For example, should above ground mausoleums, similar to those found in Europe, be considered?

Yes  No  Don't Know

CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

Q40 - Is a period of 25 years sufficient before the use of a partially-full or unused lair can be considered?

Yes  No  Don't Know

We note that in London, where re-use of lairs is currently practiced, that the policy is to consider lairs that have not been used for 75 years. We believe this to be an appropriate length of time which allows for any potential use of the lair to have passed. We would therefore support that a 75 year period apply for all circumstances.

Q41 - Is 12 months long enough to advertise the intended reuse of a full lair or use of a partially-full or unused lair? Where should the Burial Authority's intention be advertised?

Yes  No  Don't Know

Again as with our answer to question 30 we would prefer notices to be placed at the graveside which is where potential objectors are much more likely to see the objection as well as at a central notice board point.

*Q42 - Where a Burial Authority intends to reuse a lair having undertaken all appropriate consultations, should it be required to make clear to prospective purchasers that the lair is being reused or is part of a lair that is partly full?*

Yes  No  Don't Know

This is essential. CAS believe that not disclosing this information could potentially be breaching consumer rights legislation in misleading the consumer as to the nature of the lair.

*Q43 - Do the safeguards described provide sufficient reassurance to ensure that lairs are not reused inappropriately? Are any other safeguards required – for example, should the Burial Authority be required to seek a court order to reuse a lair?*

Yes  No  Don't Know

We don't believe that a court order approach would be in the public interest due to unnecessary cost and use of court time.

*Q44 - Should certain categories of grave – such as Commonwealth War Graves – be automatically excluded from consideration for reuse?*

Yes  No  Don't Know

We believe that there would be strong support for this proposal. The Government may also wish to consult with veterans support charities as to whether this exclusion should apply to those who died in other conflicts not covered by the Commonwealth War Graves Commission. While CAS has no direct thoughts on this we believe there may be strong opinions on this matter. There may be other historically relevant graves, although CAS has no direct comment on this and the thoughts of other more relevant experts would be welcome.

## **Exhumation**

*Q45 - Do you agree with the proposals to streamline the process for authorising exhumations, including an additionally streamlined process for particular categories of exhumation?*

*Q46 - Do you agree with the proposal to provide an alternative process where the purpose of the exhumation is to allow the reuse of a full lair, including that the Burial Authority need not seek specific authorisation once it has carried out specified notifications that it intends to reuse the grave?*

*Q47 - Do you agree that authorisation for exhumations should be carried out by the inspector, rather than the Scottish Government?*

Q48 - Do you agree with the proposed approach for the exhumation of cremated remains?

Yes  No  Don't Know

CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

### **Pandemics and mass-fatality events**

Q49 – Do you agree that the Bill should set out the process for applying for and authorising an exhumation for archaeological purposes? Should any particular issues be taken into account or conditions applied?

Q50 - Do you agree that the same power to suspend regulations relating to cremation in response to pandemics or other similar incidents should be extended to any relevant burial regulations?

Yes  No  Don't Know

CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

### **Cremation forms and procedures**

Q51 - Do you agree with the principle that a single form should be prescribed for applying for cremations or is it preferable that separate forms should be provided for applying for different categories of cremation? Please set out your reasons for your view.

Q52 - Do you agree that each of these categories should be provided for in cremation application forms?

Q53 – Do you agree that Form A should contain these options for any ashes which are recovered?

Yes  No  Don't Know

CAS would support any efforts to make it easier and more streamlined for bereaved families to arrange a cremation. While we appreciate in most cases relatives or friends that are organising a funeral will have a funeral director appointed to do most of this paperwork there is an increasing number of people making their own arrangements. This has become particularly acute where cost is a significant factor.

*Q54 – Do you agree that no cremation which is applied for using Form A should be able to proceed unless the applicant has specified what should happen to the ashes? Do the categories above cover all relevant options or should other options be offered?*

*Q55 – Do you agree that Form A should state that it may not be possible to recover ashes after the cremation of a very young child?*

Yes  No  Don't Know

We support making it clear to families what the options are for collection or disposal of the ashes and that the family has had their wishes noted on the form before the cremation takes place.

*Q56 – Is the process for enabling a person other than the applicant to collect any ashes recovered appropriate? Are the timings proposed suitable?*

Yes  No  Don't Know

While we generally agree that an appointee should be able to collect ashes, such as a funeral director, we have deep concerns about the practices of some funeral directors holding on to ashes. Our consumer helpline and CAB advisers have assisted with numerous cases over the last few years where ashes have been held by Funeral Directors as 'security' over unpaid debt. We believe this practice to be completely unprofessional, without good reason and with great disrespect for the bereaved individual/family.

A consumer from West Central Scotland called the consumer helpline for advice after the funeral director who had helped organise her partner's funeral and cremation refused to return her partner's ashes to her due to a balance of £400 outstanding. The client had paid £500 upfront but was struggling to make the final payment.

A consumer from the West of Scotland called the consumer helpline for advice when the undertaker refused to pass on her daughter's ashes. The client still has an outstanding balance but is struggling with other debts for which her local CAB is providing debt advice. Despite offering a payment plan on the debt the undertaker says they will not return the remains until the debt is paid off.

A consumer in South West Scotland called the consumer helpline after his mother's ashes were not returned by the funeral director. The client had complained about the service he had received from the funeral directors as he felt there were a number of things that didn't match what he had been sold. He had paid £1,300 but does not feel the outstanding balance should be paid due to the poor service received. The funeral directors had recognised that some mistakes had been made with his mother's funeral however still demanded full payment before they will return the ashes.



We therefore recommend that where an appointee is appointed to collect ashes that it must be on the understanding that they have no right to those ashes under any circumstances and they must be released to the family without any delay. We would call for the Government to make it clear to funeral directors that this practice is completely unacceptable and should under no circumstances be allowed to happen.

*Q57 - If ashes are left at the crematorium, how long should be required to elapse before the crematorium can make arrangements to dispose of the ashes?*

Response: We believe that there should be a reasonable time for a family to collect ashes if it is not done on their behalf by a funeral director. There can be a number of reasons why this may not be possible or difficult for those recently bereaved to do this immediately. We would support extending this period from the current 14 days to 30 days to allow a reasonable time for families to collect

*Q58 – Do you agree that the application should be countersigned by someone who is not a member of the applicant’s family and who is not involved in the arrangements for the cremation? Will this prove impractical? Should the legislation specify categories of people who may countersign cremation application forms?*

Yes  No  Don't Know

There are a number of difficulties with this approach such as identifying who the countersignatory may be and if such a person would have the capacity to do so. For example if it was identified that health workers could act as a countersignatory would they be the most appropriate person to do this or would they have the capacity to deal with this increase in workload? We support the reasons behind why a countersignature is recommended but there may be difficulties in how this is handled in practice.

*Q59 – Should application for other categories of cremation require a countersignature?*

*Q60 - Given the similarities between the proposed forms, would a single application form applying to the cremation of people born alive and stillborn babies be appropriate, allowing for specific sections of the form to be completed depending on the kind of cremation? Would separate forms for each category be more appropriate?*

*Q61 - What information should be considered essential for the cremation application?*

*Q62 - What is the best way to enable Cremation Authorities to undertake this scrutiny? What level of seniority is appropriate for this role? Should the crematorium manager be legally responsible for this scrutiny, even if the actual scrutiny is delegated to a suitably senior member of staff? Should a senior*

*Cremation Authority staff member be required to countersign the form to confirm that all legal requirements have been met?*

Yes  No  Don't Know

CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

*Q63 – Is there any need for the introduction of statutory forms for applying for a burial?*

Yes  No  Don't Know

Additional information: CAS can see the benefits of introducing such forms for burials however we are concerned about any moves that would increase the cost of a burial to bereaved families. We would support the government discussing this matter in more detail with burial authorities and funeral directors to see if there is a need to introduce statutory forms for burials in the same way that there are for cremations.

### **Pregnancy loss**

*Q64 – Is a comparable process for the burial of a pregnancy loss of less than 24 weeks gestation required?*

*Q65 - Is an alternative process required before the cremation of a pregnancy loss where there is no medical certificate?*

*Q66 – Do you agree with these proposals for the form used to seek the mother's agreement to the hospital organising the cremation of a pregnancy loss of less than 24 weeks' notice?*

*Q67 - Do you agree with the proposal for who should have the right to instruct the disposal of the remains in the event of a pregnancy loss of less than 24 weeks gestation? If not, in whom should this right be vested?*

*Q68 - Do you agree with the proposal to provide a list of people who have the right to instruct the disposal of the remains in the event that the woman is unable to do so? If so, who should be included in this list?*

*Q69 – Should there be a maximum time for which a pregnancy loss can be stored by a hospital before it is cremated as part of a shared cremation? How long should this be?*

*Q70 – Should the forms for the cremation of a pregnancy loss of less than 24 weeks gestation be statutory? If not, why not?*

Q71 - Should the form used by the hospital to release a pregnancy loss to the mother be statutory?

Q72 – Should there be a prescribed form for the application for cremation of a pregnancy loss of less than 24 weeks gestation where the cremation is organised by the mother?

Yes  No  Don't Know

CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

Q73 – Do you agree that the application should be countersigned by someone who is not a member of the applicant's family and who is not involved in the arrangements for the cremation? Will this prove impractical? Should the legislation specify categories of people who may countersign cremation application forms?

Yes  No  Don't Know

As with our answer to question 58 we understand the principle behind countersignatures being required but identifying who can act as a countersignatory may be difficult.

### **Cremation register**

Q74 - Is this list comprehensive? Should any other information be required to be recorded in the Cremation Register?

Yes  No  Don't Know

Q75 – Does this proposal provide sufficient confidentiality in the case of the cremation of a pregnancy loss?

Yes  No  Don't Know

Q76 - Are there any reasons why the Cremation Register should not be a public document, assuming that appropriate data protection and confidentiality considerations are in place?

Yes  No  Don't Know

We support making the cremation register a public document providing the relevant confidentiality considerations are put in place.

Q77 - Do you agree that the Cremation Register should be retained indefinitely?

Yes  No  Don't Know

### **Accreditation of Cremation Authority staff**

*Q78 - Should the accreditation requirements described in paragraph 176 be set out in a Code of Practice or in legislation?*

Code of Practice  Legislation  Don't Know

*Q79 - How should a person's accreditation be checked? How often should a person's accreditation be checked or renewed?*

CAS has no evidence or opinion on this matter and defer to those with direct knowledge.

### **Inspector of crematoria**

*Q80 - Do you agree that the role of Inspector should be responsible for crematoria and cemeteries?*

*Q81 – Do you agree that the Inspector should be responsible for particular additional functions, as described? Are there any other functions that the inspector should carry out?*

*Q82 - Should there be a formal schedule of inspection to ensure that every Cremation Authority and Burial Authority is inspected at least once during a given period?*

Yes  No  Don't Know

CAS supports the remit of this role covering both crematoriums and cemeteries. This would allow there to be a central point of contact regarding the planned re-use of lairs and an authority to ensure that burial authorities were doing so in the correct manner. We would also see a role for the inspector to view the burial and cremation process from a consumer's point of view, ensuring that pricing was clear and up front to those who are arranging funerals. We also believe that the inspector would have a role in ensuring that our proposal with regard to ending the surplus charges on burials (see question 87) is followed.

We would also support the inspection regime carrying out periodical audits of burial authorities and crematoriums to ensure not only legislation was abided by but that best practice was spread throughout the industry. CAS does not have any particular suggestions for how often such an audit would be required and this would depend on the resources of the inspector.

## **Regulation of the funeral industry**

*Q83 - Would regulation of the funeral industry be beneficial? What would regulating the industry achieve that cannot be achieved already? What are the disadvantages of regulating the funeral industry?*

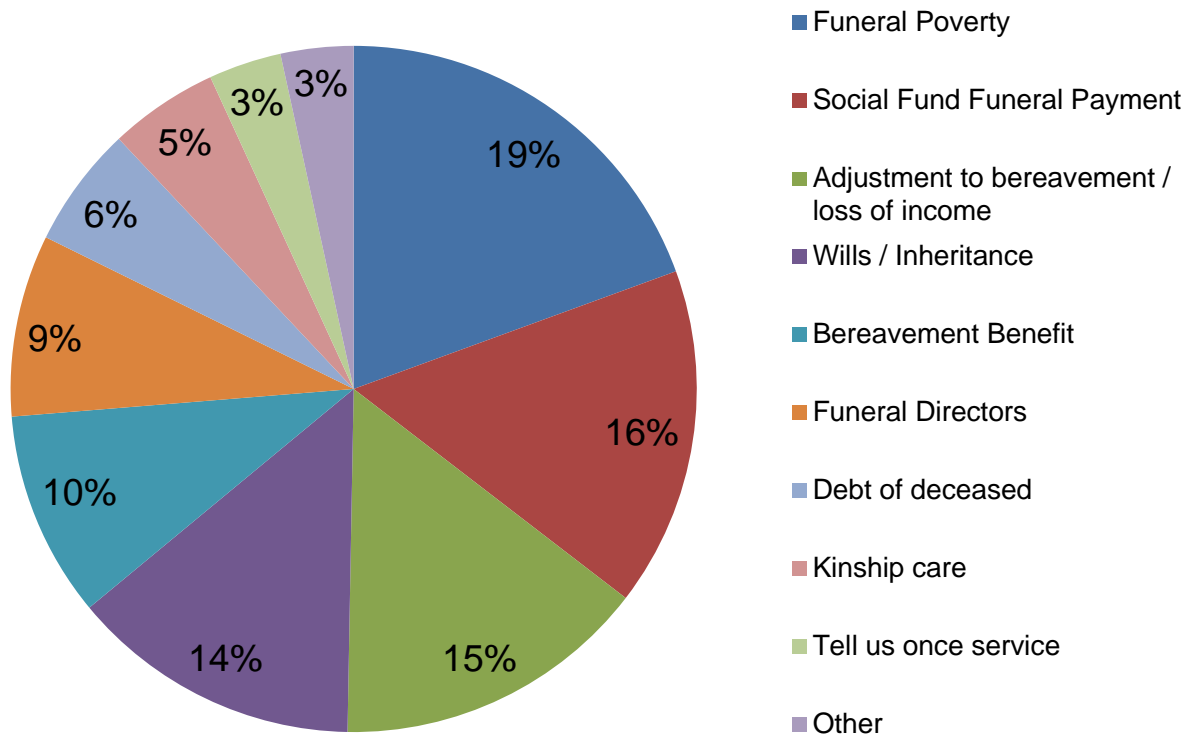
*Q84 - If the funeral industry were to be regulated, what approach would be most useful for Scotland? Do the examples given from other jurisdictions provide useful models, ranging from a fully licensed system to a process of self-regulation?*

Yes                       No                       Don't Know

CAS supports that a system of regulation should be put in place for the funeral industry. However given the impact of costs being passed onto already stretched consumers we would prefer a system of self-regulation through approved trade associations but with the ability within the legislation to introduce a full licensing scheme if at a later date it is deemed necessary through regulations.

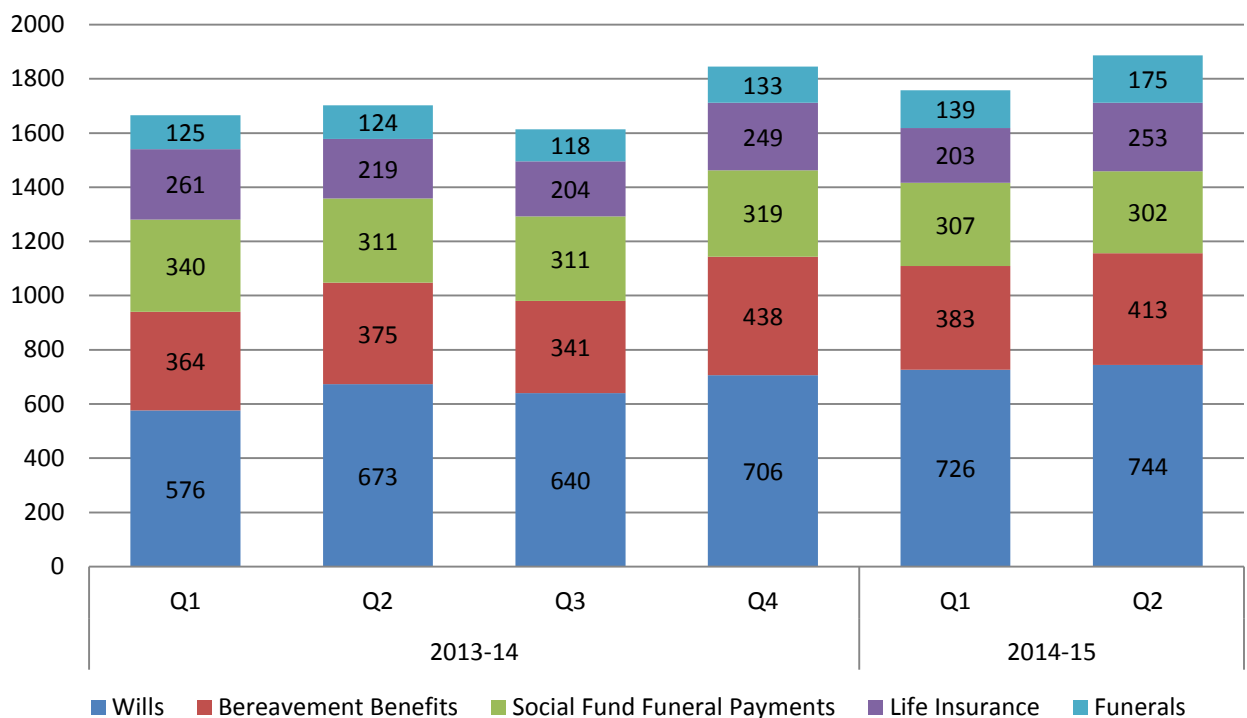
We believe that the majority of this industry is well practicing and supportive of their customers. Advice regarding funerals given by CAB tends to focus on the problems with affordability of a funeral rather than malpractice by the funeral directors themselves (Figure 3 & 4). That being said there are some poorly practicing firms that we would like to see either brought up to the standard of the rest of the industry or removed from practicing.

**Figure 3: Feedback from Scottish CAB regarding bereavement issues (2010-2014)**



Based on 175 qualitative feedback forms from CAB

**Figure 4: Total advice on Bereavement related issues at CAB**



We believe that the following model of self-regulation would benefit the industry ensuring that well practicing funeral directors faced no unnecessary burden or cost while those who fail to meet acceptable standards are brought to account. We believe further to our answer in question 18 that stonemasons which carry out work on headstones and other memorials should come under this scheme through their own trade association.

### Accredited Trade Association

Scottish Ministers should set out a minimum level of standards expected for a trade association to be accredited by the government. This should include:

- A Code of Practice by which members are required to keep to, which should set out:
  - o Responsibilities of firms
  - o Rights of consumers
  - o Fair pricing practices
  - o Allowed/Restricted debt collection procedures
- An auditing regime of members which would:
  - o Ensure members met the code of practice
  - o Treated consumers fairly and with respect
  - o Determine fitness to practice
- A disciplinary committee which would:
  - o Hear complaints against firms which had breached the code of practice
  - o Apply a penalty system, dependent on the level of the breach to any firm found to have breached the code. This would be a sliding scale from recommendations to change in practice for minor administrative failures to expulsion from the association for major failings
- A free to access independent redress scheme which would:
  - o Allow for complaints to be considered not dealt with by the firm to the consumers satisfaction
  - o Binding judgement and compensation award (if appropriate) on the firm
  - o Non-binding on the consumer therefore not breaching their statutory consumer rights
  - o Notification of all cases and findings to the association's disciplinary committee for consideration if necessary

### Right to practice

In order to be able to complete any cremation forms, make arrangements with burial authorities or act as a funeral director in any other way, a firm must be a member of one of the approved schemes. Burial Authorities should check the status of a funeral director to ensure they are a member of such a scheme before permitting the director use of their crematorium or cemetery. For stonemasons, burial authorities should only allow for members of an approved scheme to install/repair memorials.

We believe the legislation should make it an offence to practice as a funeral director without membership of one of the approved schemes.

### Scheme Approval Board

The scheme approval board would approve prospective trade associations by considering their code of practice and independent redress scheme. They would also receive an annual report by each accredited trade association and be able to take up complaints regarding the failure of any association to ensure that their members keep to their code of practice. Ultimately, the board would be able to remove accredited status of any trade association who, in the board's view, failed to meet the minimum standards set by Scottish Ministers.

This board should be chaired by Scottish Ministers (or relevant appointee) and have as members:

- Inspector of Crematoria & Cemeteries
- Representatives of Burial Authorities (both local authority and private)
- Representatives of consumers
- Independent Member(s) with experience of funeral directing
- Independent Member with experience of stonemasonry

We believe that such a system would address the worst practices in the industry without burdening the industry and therefore ultimately the bereaved family with large additional costs. The costs of the approval board would be met from a fee on accredited trade associations; however we believe these costs to be minimal when compared to a full licensing system of each individual funeral director.

### **Funeral poverty**

*Q86 - Do you agree with the proposal that Local Authorities should have a legal duty to ensure that their up-to-date burial and cremation costs are published on their website in clear and accessible way?*

Yes       No       Don't Know

As noted in the Government's consultation, our research<sup>4</sup> found that some councils did make up-to-date costs available to those either making future plans for their own funeral or making arrangements for the funeral of a loved one.

CAS strongly supports the introduction of a legal duty on burial authorities, both public and private, to ensure that costs associated with burials and cremations are published clearly on their website. This information should also be made available in

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<sup>4</sup> CAS, 2014, Real Deal: Funeral Costs



print to members of the public that cannot access digital services by making a request to the burial authority.

Not only will this assist with those planning immediate funerals but it may also give an indication to those making life plans for the future of an estimated cost of a burial lair or cremation at its current price.

*Q87 - Should Local Authorities be required by law to charge funeral costs on a cost-recovery basis only?*

Yes  No  Don't Know

We support the proposal for local authorities to charge funeral expenses on a cost basis only. Our 2014 report showed a wide discrepancy in the charges levied by local authorities across Scotland and we believe that this postcode lottery on an essential service is completely unacceptable.

We identified differences such as those between East Renfrewshire charging £715 for a burial lair and internment fee and East Dunbartonshire charging £2,700 for the same service. We would support the Scottish Government:

- 1- Setting a fee ceiling for internment services. The Scottish Government currently set maximum charges that can be charged to dental patients for set work through regulations. We believe this register of charges based approach could work for internment fees. Based on July 2014 figures charged by Scottish Local Authorities, internment fees range from £300 to £1,227 with a Scottish average of £580<sup>5</sup>.
- 2- The costs of lairs should reflect the real costs incurred by the burial authorities. There may be regional variations with regard to burial lairs due to land pressures however through the proposal to re-use lairs we believe this will help alleviate land pressure. Therefore the inevitable cost savings on not needing new land purchases should be passed on to the purchasers of lairs. In July 2014 we found that lair costs in Local Authority run cemeteries ranged from £345 to £1,490 with a Scottish average of £603.
- 3- Cremation charges should reflect the costs of the service to the local authority. While we found less of a range of prices charged by local authorities compared with burial charges there was still a 50% difference between the least expensive (Highland, £485) and the highest charge (Perth and Kinross, £730). We were very surprised to find that more than half of Scotland's private sector crematoriums charged less than Perth and Kinross council. We believe this shows there is an element of surplus made by some local authorities as we would expect privately run facilities to run at a profit.

*Q88 - What else could be done to reduce funeral costs and ensure that they remain affordable for everyone?*

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<sup>5</sup> CAS, 2014, Real Deal: Funeral Costs

CAS have set out a number of ways below that we believe would help reduce costs for those paying for funerals, or help them pay those costs.

### **Support to plan for own funeral**

CAS believes that many individuals when planning their own funerals in advance of their death often request inexpensive options. Indeed in discussions at the Scottish Working Group on Funeral Poverty there is a widespread understanding that this is often the case. Sometimes where such requests are not left behind by the recently deceased, families can feel pressurised to do funerals a certain way. This may involve more expensive coffins, transport, flowers or other costs. We believe that by supporting individuals to make their own requests known to their families and friends funeral costs could be minimised. It is not that these funerals are lacking in empathy or 'doing it on the cheap' rather an individual's own wishes is often the most respectful. We understand that approaching such a subject with loved ones can be difficult, however the Scottish Government could build on the success of the organ donation education scheme that aims to educate and get families talking about what they want to happen when they die. CAS believes that those already on the organ donation register may be more receptive to this type of forward planning and we would support targeting such individuals with a respectful government education campaign. This campaign should also cover how to make arrangements to donate your body to medical science as we have helped a number of cases where people thought that was what was to happen with a recently deceased but then have been turned away by the local university as formal plans had not been made.

A West of Scotland CAB reports of a client whose father had made no arrangements for his recent death as he wished to donate his body to medical science, thereby not leaving any cost to his family. The client has been in contact with the local University who have said they cannot take his body and are under no obligation to do so. The CAB is helping to assist the client to make an application to the funeral fund as she is eligible for part of the costs but will struggle to pay the large deposit being requested. The client's only option appears to be a credit union loan to cover the cost of the deposit.

**Nairn Citizens Advice Bureau run a project in their local community called *Taking Control: Illness and Dying*. This project provides a number of materials to help individuals make plans for their own funeral as well as making wills and a power of attorney. The project also allows for clients to make an appointment at the CAB where they can speak in confidence with an adviser who can help them put their wishes into a plan that can be left for their family. This option of speaking to an individual outside the family is sometimes appreciated by individuals who may find it difficult talking to their own families. We know that this type of help is also given by Scotland's palliative care and bereavement support organisations.**

## **Affordable Lending**

For some families on steady incomes there may still be the need to borrow affordably for what is an unexpected cost. We are concerned that some families are faced with borrowing from expensive forms of credit due to the need for the money to be accessed quickly as funeral directors often request deposits. We believe that the Scottish Government should work with Credit Unions and Funeral Directors to develop a low interest loan system linked to funeral directors. The funding could be accessed directly through funeral directors or at their local credit union and as the money would be paid directly to the funeral director the money could be released quicker than traditional lending practices allow.

An East of Scotland CAB reports of a client who had taken out a pay day loan to pay for her partner's funeral. The client is struggling to pay this back due to the interest that was added and has rolled over payment to the next month. The client had thought about not paying her rent to repay the loan but was unsure of the consequences of doing this and didn't want to lose her home.

### *Any other relevant issues*

*Please use this space to provide information about relevant issues which are not covered in the consultation paper or any topic which you think should be considered:*

## **National Assistance Funeral**

CAS believes that there are a number of issues with the current provision of national assistance funerals and how these are administered and we believe that this bill provides the opportunity to address these issues. This provision is aimed to provide for the disposal of the deceased where family cannot be contacted or they wish not to take responsibility for the funeral. We understand that a number of families are opting to allow for National Assistance funerals to be carried out by a burial authority as they cannot afford the costs of a funeral. This has in some occasions led to difficulty for the family due to not having control over the funeral. This may be especially true for those on low incomes but who are not in receipt of a qualifying benefit and therefore not eligible for social fund support.

A West of Scotland CAB reports of a client who cannot afford his mother's funeral costs. The client is on contributions based Job Seekers Allowance which is not a qualifying benefit for social fund support for the funeral costs. His sister works part time on minimum wage and looks after a child on her own and has significant debts. This means that her ability to afford payment is also limited. The client wanted information regarding an assistance funeral as he feels this is his only option despite the fact he was upset that he felt he could have no say on when his mother would be cremated.

An East of Scotland CAB reports of a young couple who had come for help after the death of their baby child. Both clients work part time on low income and have no savings. The Funeral Director has said they will give their

services for free to the couple due to the age of the child however the council want £500 in burial costs which the couple cannot afford. They had been informed of the national assistance option but were told that this could only be a cremation which they did not want after recent media coverage on the matter of infant cremations. The clients are now looking to borrow the money from family, friends and work colleagues to pay the costs.

### *Record keeping*

In December 2014 CAS carried out a Freedom of Information request, on behalf of the Scottish Working Group on Funeral Poverty, to all 32 local authorities in Scotland regarding their provision of national assistance funerals over the last five years. We found that records held by the burial authorities varied extensively with some appearing to have very little record of services they had carried out in the past or how much they had spent on such activities. In other cases records were divulged that included the names of the deceased and last known addresses and how much had been recovered from the estate. CAS has provided as an appendix the full findings of this research but as part of the consultation we would like to highlight the following:

- 7 Local Authorities declared they did not keep a record of how many requests were made for national assistance funerals
- 7 Local Authorities did not have any record of the number of times they refused to carry out a national assistance funeral
- 1 council had refused to carry out 12 national assistance funerals that were requested in the last five years
- 1 council refused to supply the information regarding the costs incurred as part of their duty to supply national assistance funerals. After an appeal review the council did provide partial costs but applied Section 12 of FOISA – excessive costs – thereby we were not able to access the full costs incurred. We are concerned that this suggests that this local authority has no centralised total record of how much they are spending on National Assistance Funerals.

CAS believes that record keeping varies widely across Scotland and we would support the Scottish Government in either setting out in regulation or guidance what is appropriate to record in situations where funerals are carried out as part of their duties where no one takes responsibility.

### *What's included*

Burial Authorities appear to differ in what is supplied for a National Assistance Funeral. In addition to the cremation/burial costs, doctor's fee and preparation of the body there are some standard inclusions such as a basic coffin and transport of the body. We found some authorities would provide flowers while others paid for a paper notice and one paid for a simple memorial at the graveside.

One council stated that they did not provide any indication of what should be supplied:

*“The only involvement the Council has is that it pays for the burial. There is no funeral service. When the body is buried it is at the discretion of the funeral undertaker.”*

Our FOI requests found that the number of funerals carried out did not often relate to the population of the local authority area or levels of deprivation where it may be likely more families would struggle to pay costs. This equates across into how much local authorities reported they had spent on such support in the last five years. This suggests that there is a wide variety of practice in applying who is eligible for help in such circumstances. CAS believes the Government should set in regulation what exactly should be provided as part of this service.

### *Who’s responsible?*

Our FOI responses found that local authorities had paid for the funerals of inmates of Scottish Prisons where they had died in custody and there was no one to take responsibility or who wished to organise the funeral. This appears to be a different practice to that of the Prison Service in England and Wales where the prison service pay a contribution (up to £3,000) towards the cost of a prisoner’s funeral<sup>6</sup>. The Scottish Government may wish to consider if local authorities should continue to be responsible for such charges or if such costs should fall to the prison service. CAS are concerned that some small local authorities with a prison in their area may be disproportionately affected by paying such charges.

### **Cross Border Charges**

We have anecdotal evidence from CAB in Dumfries and Galloway and the Scottish Borders that there have been issues with burial of individuals who have been cared for in the North of England. It would appear from information provided to us by our advisers that it is not uncommon for individuals in border authorities to take up residential care places across the border in the North of England. This can be due to a lack of places within their own authority.

If that individual passes away while in care it appears that local authorities will charge the ‘non-resident rate’ for burial back in the person’s home local authority. This will be because their last residential address is not within the local authority where they may have lived their whole life and have family based.

We believe that where an individual is placed in a care environment out with their own ‘home’ local authority that they should still be able to be buried or cremated at home without an extra charge being levied as currently. We understand and do accept the extra charge that burial authorities levy on non-residents to help manage the resources and space for burials they have, however for those with little choice due to care arrangements this should be considered appropriately.

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<sup>6</sup> Prison Service Instruction 64/2011

## Appendix 1: Summary of Scottish Council FOI responses

### Background

In December 2014 CAS sent the following FOI request to all 32 Scottish Local Authorities on behalf of the Scottish Working Group on Funeral Poverty, included below are the responses from those local authorities.

*Dear [NAME],*

*I am writing to request the following information regarding the Council Funeral service provided by [LOCAL AUTHORITY]. Council Funerals are carried out by local authorities under their duties of the National Assistance Act 1948 and Social Work (Scotland) Act 1968. I am aware that some local authorities may refer to this service as 'environmental burials' or other alternative name.*

- 1. What does [LOCAL AUTHORITY] provide as part of the Council Funeral service?*
- 2. Provide the number of requests for Council Funerals to [LOCAL AUTHORITY] for each of the last five years.*
- 3. Provide the number of Council Funerals actually carried out by [LOCAL AUTHORITY] for each of the last five years.*
- 4. Provide the number of Council Funerals refused by [LOCAL AUTHORITY] for each of the last five years.*
- 5. Provide the budget allocated by [LOCAL AUTHORITY] for Council Funerals for each of the last five years.*
- 6. Provide the amount actually spent by [LOCAL AUTHORITY] for Council Funerals for each of the last five years.*

## Included in funeral

In addition to cremation/burial cost, doctors' fees and undertaker costs (preparation of body etc.), transport of body the following is provided in each local authority. (See **Part 2 for more detail**).

Council	Ministers Fee	Viewing of body	Coffin	Flowers	Hearse <sup>7</sup>	Car	Paper Notice	Headstone
Aberdeen City	✓	✓	✓	x	✓	✓	x	x
Aberdeenshire	?	?	✓	x	✓	x	x	x
Angus	✓	✓	✓	x	✓	x	x	x
Argyll & Bute	?	?	?	x	?	x	x	x
Clackmannanshire	x	x	x	x	x	x	x	x
Dumfries & Galloway	?	?	?	?	?	?	?	✓
Dundee	✓	?	✓	x	✓	✓	✓	x
East Ayrshire	✓	x	✓	✓	✓	x	x	x
East Lothian	?	?	?	?	?	?	✓	x
Edinburgh	✓	?	✓	x	✓	x	x	x
Fife	✓	?	✓	✓	?	x	x	x
Glasgow	?	?	✓	✓ <sup>8</sup>	✓	x	x	x
Highland	✓	?	✓	x	✓	x	x	x
Midlothian	✓	?	?	x	?	x	x	x
Moray	✓	✓	✓	x	?	x	x	x
North Ayrshire	?	?	✓	x	?	x	x	x
North Lanarkshire	✓	?	✓	x	✓	x	x	x
Orkney	?	?	✓	x	?	x	x	x
Perth and Kinross	✓	?	✓	?	✓	x	x	x
Renfrewshire	✓	?	✓	x	✓	x	x	x
Scottish Borders	?	?	✓	x	?	x	x	x
Stirling	✓	x	?	x	?	x	x	x

<sup>7</sup> Specified as a hearse rather than just 'transport of body'

<sup>8</sup> Glasgow state 'a single flower'

Council	Ministers Fee	Viewing of body	Coffin	Flowers	Hearse <sup>9</sup>	Car	Paper Notice	Headstone
South Lanarkshire	?	?	✓	✗	✓	✗	✗	✗
West Dunbartonshire	?	?	?	✓	✓	✗	✗	✗
West Lothian	✓	?	✓	✓	✓	✗	✗	✗

South Ayrshire simply stated: *'Provision of a basic cremation.'*

Falkirk also said: *'A basic burial or cremation'*

Western Isles) stated *'Contact undertakers who organise funeral'*

East Dunbartonshire didn't provide an answer to this question.

Inverclyde didn't provide what was included but said: *'The only involvement the Council has is that it pays for the burial. There is no funeral service. When the body is buried is at the discretion of the funeral undertaker.'*

### Number of requests

20 councils (Aberdeenshire, Inverclyde, Renfrewshire, North Lanarkshire, Falkirk, Perth & Kinross, Orkney, Clackmannanshire, Glasgow, South Lanarkshire, Moray, Argyll & Bute, North Ayrshire, Fife, Dundee, East Dunbartonshire Highland, Stirling, Western Isles, and West Lothian) stated they had the same number of request as they had carried out funerals.

7 councils (East Lothian, Aberdeen City, Dumfries & Galloway, Edinburgh, East Ayrshire, Angus, and Midlothian) stated they do not record the number of requests made for funerals

East Renfrewshire had four requests of which three funerals were carried out.

West Dunbartonshire noted that they had 18 more requests than the 26 funerals they carried out. The reasons given for the differences were:

*The person died in another local authority area and it would be that authority's responsibility to arrange the funeral in terms of the National Assistance Act 1948.*

*A member of the family or friend found the funds to carry out the funeral*

*It was a tentative enquiry and it transpired that the deceased had sufficient insurance to cover the funeral arrangements*

*The person arranging the funeral was on benefits and could apply for a funeral grant to DWP.*

South Ayrshire stated they had carried out 50 of 83 requests.

<sup>9</sup> Specified as a hearse rather than just 'transport of body'



Scottish Borders noted that they carried out 12 of 53 requests.

Shetland council have not carried out any funerals in last five years.

## Refusals

22 councils (Aberdeenshire, Inverclyde, North Lanarkshire, Falkirk, South Ayrshire, Perth & Kinross, Orkney, Clackmannanshire, Glasgow, South Lanarkshire, Moray, Edinburgh, Argyll & Bute, North Ayrshire, Fife, Dundee, East Dunbartonshire, Highland, West Lothian, Western Isles, Midlothian, and Shetland) have refused no funeral request in last five years

In addition Highland made the point:

*“With regards to your questions on numbers requested and refused these burials are not looked at in these terms. We have a duty under the National Assistance Act to bury or cremate the body of a person where it appears that no suitable arrangements are otherwise being made – therefore these burials are not requests – if no one is taking responsibility for the burial the Council has to.”*

7 councils (Renfrewshire, East Lothian, West Dunbartonshire, Aberdeen City, Dumfries & Galloway, East Ayrshire, and Stirling) stated they do not hold records of the numbers of funerals refused.

Angus Councils reply suggest they may have refused in the past but did not provide details: *“We do not keep a record of the number of public health funerals we refuse to take on but in general terms we accept responsibility for the majority of request received.”*

East Renfrewshire reports they refused 1 funeral in the last five years. On request they gave the following explanation:

*“It was a family where an uncle had died without any apparent estate and they thought the LA would offer a free burial service for them. It was explained that it is intended for deceased where no-one is available to pay for the funeral, they all had employment etc. They were then directed to other organisations where depending on income they may have been able to be offered financial assistance, one of which was [the local] CAB.”*

Scottish Borders report they have refused 12 funerals in the last five years.

## Number of funerals

Council	2010	2011	2012	2013	2014 <sup>10</sup>	TOTAL
Edinburgh	147	127	134	141	118	667
Glasgow	58	81	73	65	68	345
Fife	43	51	57	44	44	239
Aberdeen City	38	42	36	26	21	163
Perth & Kinross	23	29	26	32	28	138

<sup>10</sup> To date of FOI (November 2014)

Dundee	18	22	16	7	19	82
East Ayrshire	7	11	11	18	12	59
Highland	16	12	4	10	9	51
South Ayrshire	12	6	9	17	6	50
North Lanarkshire	9	11	11	8	8	46
South Lanarkshire	11	7	12	7	5	42
Renfrewshire	13	8	8	8	4	41
Midlothian	6	6	14	7	7	40
Falkirk	4	4	5	13	12	38
East Lothian	6	17	8	1	2	34
Angus	5	4	6	9	8	32
North Ayrshire	4	6	5	7	4	26
West Dunbartonshire	6	6	6	3	5	26
Aberdeenshire	1	7	9	6	2	25
Clackmannanshire	3	2	3	5	4	17
Moray	3	1	2	5	4	15
West Lothian	8	1	1	2	2	14
Argyll & Bute	4	3	1	3	2	13
Stirling	4	1	1	4	3	13
Inverclyde	3	3	3	0	4	12
Scottish Borders	2	5	2	2	1	12
East Dunbartonshire	1	2	1	1	2	7
East Renfrewshire	-	-	-	-	-	3
Orkney Isles	1	0	0	0	1	2
Western Isles	*	*	*	*	*	1
Shetland	-	-	-	-	-	0

Dumfries & Galloway stated they did not record how many funerals they had carried out.

## Budget

Council	2010	2011	2012	2013	2014
Angus	£10,000	£10,000	£10,000	£10,000	£5,000
Clackmannanshire	£0	£3,000	£3,000	£3,000	£4,000
Dundee	£4,930	£4,930	£4,930	£4,930	£4,843
East Lothian	£18,000	£18,000	£23,000	£27,000	£27,000
Edinburgh	£100,000	£100,000	£100,000	£100,000	£110,000
Falkirk	£1,000	£1,000	£1,000	£1,000	£1,830
Fife	-	-	-	-	£50,000
Glasgow	-	-	£25,500	£35,500	£27,830
Moray	£3,000	£3,000	£3,000	£3,000	£4,000
North Ayrshire	£3,000	£3,000	£3,000	£3,000	£3,000
Scottish Borders	£1,890	£1,000	£7,861	£2,300	£3,597
South Ayrshire	£12,707	£5,040	£5,040	£16,180	£15,040
West Dunbartonshire	£5,080	£7,080	£7,080	£5,650	£5,650

17 councils (Aberdeenshire, Inverclyde, Renfrewshire, North Lanarkshire, East Lothian, Orkney, Dumfries & Galloway, East Renfrewshire, South Lanarkshire, Argyll & Bute, East Ayrshire, Highland, West Lothian, Western Isles, Midlothian, Stirling, and Shetland) stated they have no specified budget for environmental funerals

1 council stated they did not have this data (Aberdeen City Council).

Fife council say they only hold information on this year's budget (14/15) which is set at £50,000. They state: "previous years will all have been slightly different and based around previous years expenditure."

East Dunbartonshire stated: "A tender document which is in place determines the cost of each funeral."

Moray answered: 'The contract with the funeral undertaker involves payment for the individual funerals which are arranged.'

### Money spent

Council	2010	2011	2012	2013	2014*	Total
Edinburgh	£139,601	£134,382	£120,561	£149,367	£83,005 <sup>11</sup>	£626,916
Fife	£26,312	£47,695	£53,570	£51,773	£40,006	£219,356
Perth & Kinross	£23,103	£34,785	£31,914	£51,556	£48,614	£189,972
Glasgow <sup>12</sup>	-	£41,857	£47,903	£59,400	-	£149,160
East Ayrshire	£6,648	£11,773	£10,863	£18,982	£15,787	£64,055
Angus Council	£8,628	£8,629	£11,569	£16,012	£9,967	£54,805
East Lothian	£7,278	£19,682	£14,719	£2,516	£5,038	£49,233
South Ayrshire	£10,931	£774	£4,814	£20,042	£6,194	£42,755
Renfrewshire	£9,948	£7,200	£7,400	£7,560	£3,870	£35,978
Highland	£10,815	£11,430	£1,974	£8,090	£2,680 <sup>13</sup>	£34,989
Dumfries & Galloway	£16,563	£4,844	£4,255	£6,872	£2,342	£34,876
Midlothian	£4,907	£4,165	£11,227	£5,553	£6,420	£32,273
Falkirk	£1,362	£3,347	£6,787	£13,506	£6,481	£31,483
West Dunbartonshire	£5,928	£5,967	£6,555	£3,162	£5,135	£26,747
Dundee City Council <sup>14</sup>	£7,570	£7,127	£3,682	£1,843	£4,878	£25,100
North Lanarkshire	£3,890	£3,700	£5,090	£4,752	£7,588	£25,020
North Ayrshire	£3,262	£4,517	£4,922	£7,229	£4,360	£24,290
South Lanarkshire	£3,600	£4,950	£5,400	£3,150	£2,250	£18,900
Clackmannan	£2,478	£1,877	£2,755	£5,317	£4,224	£16,651
Aberdeenshire	£833	£4,650	£6,450	£2,920	£1,060	£15,913

<sup>11</sup> To October 2014

<sup>12</sup> Data only available for these three years

<sup>13</sup> Only held figures on the costs for 5 of the 9 funerals held at time of release

<sup>14</sup> Dundee City Council & Argyll & Bute figures are cost minus amount recovered from estate therefore not comparable with other councils

Scottish Borders	£2,148	£3,971	£3,079	£2,921	£3,597	£15,715
West Lothian	£2,450	£2,585	£1,640	£1,159	£7,522	£15,356
Stirling	£3,428	-	£1,197	£5,803	£4,715	£14,499
Moray	£976	£423	£1,742	£2,014	£2,625	£7,779
Inverclyde	£1,628	£1,120	£748	-	£1,831	£5,327
East Renfrewshire	-	-	-	-	-	£4,890
Argyll & Bute <sup>3</sup>	£458	£1,881	-	£824	-	£3,163
East Dunbartonshire	£425	£900	£450	£425	£800	£3,000
Western Isles	-	-	-	-	-	£1,500 <sup>15</sup>
Orkney	-	-	-	-	-	£0 <sup>16</sup>
Shetland	-	-	-	-	-	£0

\*2014 to date

### Average cost

Although not requested some councils provided details that allowed for working out the median and range spent on funerals.

Council	Mean spend	Median spend	Range
Angus	£1,713	-	-
East Renfrewshire	£1,630	-	-
Western Isles	£1,500	£1,500	£0
East Lothian	£1,448	-	-
Perth & Kinross	£1,377	-	-
Scottish Borders	£1,310	-	-
Stirling	£1,115	£1,397	£986
West Lothian	£1,097	-	-
East Ayrshire	£1,085	-	-
West Dunbartonshire	£1,029	-	-
Clackmannanshire	£979	£1,056	£474
Edinburgh	£939	-	-
North Ayrshire	£934	£950	£500
Fife	£918	-	-
Renfrewshire	£878	-	-
South Ayrshire	£855	-	-
Falkirk	£829	£1,017	£1,663
Midlothian	£806	£799	£503
Highland	£813	£549	£2,096
Glasgow	£681	-	-
Aberdeenshire	£637	-	-
North Lanarkshire	£543	-	-
Moray	£518	-	-
Inverclyde	£444	-	-

<sup>15</sup> Western Isles didn't detail which of the five years the 1 funeral was in

<sup>16</sup> Orkney have recovered all costs from estate, they did not detail the cost before recovery.

South Lanarkshire	£450	-	-
East Dunbartonshire	£429	-	-
Dundee City Council <sup>17</sup>	£306	-	-
Argyll & Bute <sup>5</sup>	£288	-	-

## Recovery

Although not request 5 councils provided details which related to recovered sums.

<b>Council</b>	<b>Amount Recovered</b>	<b>% recovered</b>
Highland	£7,397	21%
Falkirk	£9,410	22%
Perth & Kinross	£44,118	23%
Midlothian	£8,752	27%
Stirling	£4,693	32%

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<sup>17</sup> Dundee, Argyll & Bute provided costs minus amount recovered meaning not comparable with other figures

## **Part 2: Further detail provided by council about what's included**

**Midlothian** stated *'Undertaker services, cremation cost, doctors fee (if applicable) and ministers fee for cremations. For burials: undertaker services, provision of burial lair, interment fees, doctors' fees (if applicable) and ministers fees'*

**Stirling council** provided an extensive procedure note regarding what the council does as part of its obligations. They state *'a simple dignified funeral ... normally in a common plot ... a minister, priest or appropriate member of other denomination will carry out simple service'*. In addition they state that the following are not provided *'car, flowers, paper notices ... viewing of the body...gravestones'*. The council say they will notify relatives or friends who wish to attend.

**Fife Council:** *"We provide a casket and flowers. We usually cremate unless there is a reasonable belief that the deceased would want a burial and/or owns a burial plot and we would also use family plots if provided. We do not provide funeral cars or headstones, but we do usually have a minister."*

**East Ayrshire:** *"The following is provided as part of a public health funeral – offices and hygienic treatment, if required, a basic coffin, hearse, professional services of the funeral director, cremation or interment according to the deceased wishes (if known) with scattering, or return of ashes as requested, floral tribute, celebrant for a committal service and registration of death. The deceased would be taken into the care of the funeral director and transported to the cemetery/crematorium. A church or other service other than committal is not provided nor is viewing of the deceased."*

**Angus Council:** *'appoint a funeral director to provide a basic funeral for the deceased (usually burial). Basic funeral includes removal of deceased from hospital/morgue and transport to funeral home/service rooms; preparation, hygienic treatment and presentation of the deceased; supply simple casket, fully furnished for burial; provision of hearse for the funeral including all personnel necessary to conduct funeral. Graveside burial with service from minister (if appropriate). No flowers are provided.'*

**Dundee council:** *Burial: Removal of Body (Dundee City Council)*

*Use of Rest and Service Rooms*

*Coffin (including linings, handles, nameplate, cords and tassels)*

*Robe*

*Hearse*

*One Car*

*Interment Fee*

*Attendance*

*Press Notice (to a maximum of 80 words)*

*Gratuities*

*Cremation:*

*Removal of Body (Dundee City Council)*

*Use of Rest and Service Rooms*

*Coffin (including linings, handles and nameplate)*

*Robe*

*Hearse*

*One Car*

*Cremation Fee and Organ Music*

*Doctor's Fee*

*Attendance*

*Press Notice (to a maximum of 80 words)*

*Gratuities*

**West Lothian** specified more detail including on coffin provision and a floral tribute: *“a single use lair, services of cemetery staff to inter body, basic coffin, hearse to transport coffin to cemetery, Minister to conduct graveside service, and a small floral tribute.”*

**East Renfrewshire:** *‘a basic dignified funeral as described within the National Assistance Act 1948 and Social Work (Scotland) Act 1968. No lunch/Purvey is provided.’*

**Dumfries & Galloway:** *Generally, a basic funeral but may also provide headstone.’*

**Highland Council** detailed: *The Highland Council provides the following as part of a funeral service in connection with National Assistance Act burials:*

*Supply of a polished wood coffin with suitable waterproof lining, handles and nameplate.*

*Supply of a robe, hearse and attendance.*

*Arrange for the presence of a minister (if necessary).*

*Identify any additional charges, which might apply, for example to the removal of the remains to the funeral directors' chapel for a mileage rate for the hearse or other vehicle.*

**North Ayrshire:** *‘Transportation of body to undertakers premises; confining of body; transportation of coffin to crematorium or cemetery; cremation fees; cemetery fees (Interment fee);doctor's fee (where appropriate).’*

**Moray:** *‘The Moray Council has a contract with a local funeral undertaker who conveys the deceased person to the funeral rest room, with the other arrangements including the cost of a coffin, the presence of a member of the clergy at the service and the interment. The funeral does not include the cost of flowers, funeral cars or headstones.’*

**Argyll & Bute:** *‘Basic burial in a council owned shared plot, if known to have a family plot with available space then this will be used. When deceased is known to have available capital resources then a private burial will be arranged and a private plot purchased in the deceased's name.’*

**Scottish Borders:** *“The council provides a burial lair in a local cemetery and interment services (grave-digging). A local funeral director is contracted by the council to provide storage (where required). Transport of the body and a coffin.”*

**South Lanarkshire Council:** *‘provides the professional services of funeral director inclusive of care of deceased, transport to service, coffin and either cremation or burial.’*

**Edinburgh:** *‘Burial or Cremation service, provision of funeral services, hearse, coffin, doctors’ fees & an officiate.’*

**Glasgow:** *‘Provision of coffin, hearse to transport deceased to crematoria, single follower, actual cremation service*

**Clackmannanshire:** *“The Council does not provide a funeral service. Under Section 50 of the National Assistance Act 1948 the Council has a duty to bury or cremate the body of a person who has died or been found dead in its district if no other suitable arrangements are being, or have been, made otherwise than by the Council. We do not have the resources to provide any more than this.”*

**Aberdeen City Council:** *“[We] provide a full funeral service via a contract with a Funeral Director. This contract includes the following services:-*

- *Remove the deceased body from the home, hostel, hospital or other location as directed.*
- *Take instruction from Aberdeen City Council Out of Hours Social Work Service to remove a deceased person from a home death (this is an after-hours service)*
- *Carry out the appropriate preparation of the deceased body for the interment or cremation. This to include hygienic treatment when necessary and preparation for viewing if requested.*
- *Viewing of a deceased by family / friends should be permitted during normal working hours Monday – Friday and no later than half an hour before close of business and by appointment only. No viewing Saturday, Sunday or on Public Holidays.*
- *Supply a light coloured coffin to the specification listed below and place the deceased body therein.*
- *Retain the body at the Funeral Home until appropriate arrangements have been made for the Interment or Cremation.*
- *Supply a hearse and attendants to move the coffin from the Funeral Home to the place of Interment or the Cremation.*
- *On request supply a hearse and attendants to convey the coffin to a place of worship prior to the cremation / interment taking place*



- *If cremation is to take place, provide all the necessary documentation, duly completed, prior to the cremation in order that the service may proceed at the appointed time.*
- *Supply a car to collect and convey the clergyman from home to the place of interment / cremation and return home if so required.*
- *No other coffins are to be carried in the hearse at the same time as the one to which this contract refers.”*
- *If interment is required and insufficient pall-bearers are designated then appropriate number of attendants will be required by the Contractor for the lowering of the coffins.*

**Orkney Isles:** *“Body storage, basic casket, transport, burial/cremation fees”*

**East Lothian Council:** *(ELC) provides a basic cremation or burial depending on cost. ELC also pays for a notice in a local newspaper.*

**Perth and Kinross:** *Doctors fee, removal fee, coffin and undertakers fee, hearse, minister/humanist fee and crematorium/interment fee. Basic service undertaken for both burial/cremation and scattering of ashes if required.*

**North Lanarkshire:** *The Council provides a basic funeral, a basic casket, a celebrant, a hearse to take the casket to the cemetery and lair arrangements as part of the National Assistance Funeral Service.*

**Renfrewshire:** *The body is collected by undertakers who arrange burial and provide a casket, shroud, hearse, driver and attendance at cemetery. The coffin is interred in a common lair.*