

Annex D

List of consultation questions and consultation response form

How to complete this response form

1 Each question in the consultation paper is listed below. Respondents are invited to answer as many questions as they wish to, and there is no requirement to answer every question. Completing this form as a Word document allows responses to be provided directly on to the form, although respondents may choose to respond in other ways.

2 Some questions provide a check box to provide a response - to mark a box, double-click it and then select 'Checked' from the menu. Where several questions are asked under the same number, the initial question is the one that should be answered using the check box. Further information can be provided by inserting free text under the heading 'Additional information'.

3 Where no check box is provided, responses are sought in the form of free text, which can be inserted under the heading 'Response'.

4 At the end of the questions consultees are invited to provide any other information which they feel is relevant.

5 Once completed this form can be emailed to burialandcremationbill@scotland.gsi.gov.uk or posted to:

Burial and Cremation Consultation
Scottish Government
3E St Andrew's House
Edinburgh
EH1 3DG

6 When returning responses please also complete and return the Respondent Information Form at Annex C. **The closing date for responses is Friday 24 April 2015.**

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Q1 – Do you agree that existing legislation relating to burial and cremation should be repealed and replaced by a new legislative framework?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

Additional information: Sands welcomes the development of a new legislative framework for burial and cremation in Scotland. This legislation is crucial following the findings and recommendations of the Bonomy report. The hope is that this legislation will improve and standardize cremation and burial practices across Scotland which will, in turn, improve the experiences of bereaved parents and families.

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

Response: Don't know.

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

Additional information: Sands feels that this new legislation should apply to funeral services as this will ensure that all services comply with regulations. This compliance will promote consistency in the services that are provided to bereaved parents and families.

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

Additional information: Including any new disposal methods will help to avoid the legislation becoming outdated and obsolete.

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

Additional information:

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

Yes No Don't Know

Additional information: Including provisions regarding home burial seems important given the current confusion around rights to home burial and environmental concerns.

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

Response: Sands feels that it is important that the new legislation ensures the rights of the bereaved to engage in home burial practices while ensuring that the legislation is clear about the expectations and obligations of those engaging in home burial. Clear legislation will protect the rights of local authorities, bereaved families and property owners and will help to prevent disagreements over home burial provisions. The legislation should also consider the environmental concerns, what happens when people move house, their rights to exhume the body, the effects of land ownership and lease agreements on individuals' rights to home burial and the potential financial and bureaucratic concerns that may be related to home burial practices.

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

Yes No Don't Know

Additional information:

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

Additional information: Sands agrees that alternative methods of disposal should be regulated (see response to Question 4). However, we don't know about particular methods that should be considered or prevented in Scotland.

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

Yes No Don't Know

Additional information: This definition is welcome as it is in line with the Bonomy recommendations. From the perspectives of many bereaved parents, all that is left in the cremator is often considered to be ashes.

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 **X**

Additional information:

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

Response: Don't know.

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?

Yes No Don't Know **X**

Additional information:

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?

Yes No Don't Know **X**

Additional information: Sands feels unable to comment on whether the proposal at paragraph 43 is appropriate. However, Sands hopes that this legislation will provide a legal framework for instances where there is disagreement between parents about the disposal of child's body. In such cases, who is viewed as having parental responsibility?

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?

Yes **X** No Don't Know

Additional information: Sands welcomes this proposal as it protects the rights of parents to choose how their baby's body is disposed of following stillbirth. However, as we stated in response to Question 14, Sands hopes that this legislation will provide a legal framework for instances where there is disagreement between parents about the disposal of child's body. In such cases, who is viewed as having parental responsibility? In addition to birth mothers, will the legislation discuss the rights of fathers, same sex partners and surrogates as they are not specifically mentioned in sections 154 and 155 of the current consultation document?

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 **X**

Additional information: Sands feels that this question is unclear and would ask that the definition of “a valid reason” or “cause shown” in cases where another person is able to make an application be included in this consultation and any subsequent legislation. Does this definition include instances where a maternal death has occurred or the mother is critically ill? Sands recognizes that there may be cases where the mother and the healthcare team are the only people aware of the pregnancy. However, the rights of other parents and the potential for the baby or fetus’ body to be stored in cases where the mother is critically ill should also be considered here.

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?

Yes **X** No Don't Know

Additional information: Sands welcomes the clarity that such legislation would provide for bereaved families who wish to have memorials and tributes to deceased loved ones in cemeteries. It is important for bereaved parents and families to have clear instructions about what they can and cannot do in such instances. As is seen in the case in Shropshire, having clear policies regarding tributes on graves prevents bereaved parents from potentially being subjected to additional emotional distress when they are asked to remove tributes to their babies. Such a policy would also help to protect the rights of local authorities who are responsible for removing unsafe or damaged 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 **X** Don't Know

Additional information: Sands feels that this guidance should be statutory as it needs to be strong and clear.

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 **X**

Additional information:

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 **X** No Don't Know

Additional information: Sands supports the digitization of burial and cremation records and forms. However, questions have been raised regarding how digitization will be applied retrospectively and the potential financial implications of making it mandatory to transfer all historical records.

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 **X** Other period

Additional information: Sands strongly feels that keeping records and forms for 50 years is not sufficient. For some bereaved parents and families, the experience of grief and the need to have more information about deceased family members and their remains may not occur for many years. For example, some bereaved parents whose baby was stillborn or died wish to find out about their baby's burial or cremation or obtain stillbirth, birth or death certificates many years after their baby's death. Their surviving children or grandchildren may also wish to obtain this information. There is no time or generational limit on this grief or desire to obtain more information.

Alleviating pressure on burial grounds

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

Yes No Don't Know **X**

Additional information:

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 **X**

Additional information:

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?

Response: Don't know

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 **X**

Additional information:

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?

Response: Don't know

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?

Yes No Don't Know **X**

Additional information:

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

Yes No Don't Know **X**

Additional information:

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 **X**

Additional information:

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 **X**

Additional information: Sands is unsure whether this process will provide sufficient notice or which methods should be used to notify the public that a lair may be reused. However, Sands advocates that direct contact is made with families when possible if it is being suggested that a lair is suitable for reuse.

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

Response: Don't know.

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

Response: Don't know

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

Response: Don't know

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?

Response: Don't know

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

Yes No Don't Know **X**

Additional information:

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

Response: Don't know

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

Yes No **X** Don't Know

Additional information: Sands has concerns about the reuse of headstones and memorials. For many bereaved families, such reuse would be unlikely to sit comfortably and concerns have been raised about how the memorials of Sands groups or baby's graves might be considered for reuse after 75 years. Additionally, the term "appropriate" is unclear. The legislation should define circumstances where the reuse of headstones and memorials should be deemed appropriate.

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?

Yes No Don't Know

Additional information: Sands supports the removal of headstones or memorials that are unsafe. However, the legislation should ensure that, where possible, families should be informed that the memorial is unsafe and be given the opportunity to rectify the situation before removal.

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?

Response: Don't know

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

Additional information:

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

Additional information: As per our response to question 30, Sands is unsure whether this process will provide sufficient notice or which methods should be used to notify the public that a lair may be reused. However, Sands reiterates that direct contact should be made with families when possible if it is being suggested that a partially-full or unused lair is being considered for reuse.

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

Additional information: As some bereaved parents may intend to purchase a plot for their baby where they can also be buried, it is important that parents are given full information so that they can make this decision or be aware of whether this is a possibility.

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 **X**

Additional information: Sands suggests that “inappropriately” be defined more clearly here.

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

Yes No Don't Know **X**

Additional information:

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?

Yes **X** No Don't Know

Additional information: Sands welcomes this streamlined process as it makes it clear what people can and cannot do with regard to 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?

Yes No Don't Know **X**

Additional information: Sands does not know whether the alternative process suggested for exhumation to allow for the reuse of a lair is adequate. However, Sands has concerns about how this process will be regulated and would like reassurance that the legislation will ensure that this process is regulated and that adherence to this regulation is ensured.

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

Yes **X** No Don't Know

Additional information: Sands agrees that an inspector would be better placed to authorise exhumation. However, the authority of the inspector should be clarified.

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

Yes No Don't Know

Additional information:

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?

Yes No Don't Know

Additional information:

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

Additional information:

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.

Yes No Don't Know

Additional information: Sands raises concerns that the use of a single form (Form A) for cremations has been problematic and advocates for the use of separate forms for the cremations of stillborn babies, pregnancy losses before 24 weeks gestation and infants. Having separate forms for the cremation of stillborn babies, pregnancy losses before 24 weeks gestation and infants will make these forms more applicable to these circumstances. The use of cremation forms that are specific to these circumstances will make the forms easier for bereaved parents to understand. These forms will also help professionals when talking to bereaved parents by highlighting information that is specific to their needs. These specific forms may also help to improve the dialogue around parents' choices. The use of separate forms may also aid crematoria in planning their workload in a way that will ensure that as many ashes as possible are obtained when cremating a baby (for example, by arranging to cremate all babies early or late in the day when the cremator is cooler or the turbines can be turned off).

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

Yes No Don't Know

Additional information: Sands was unable to find information about the 12 categories that are covered in the current cremation forms. However, Sands strongly suggests that there are specific cremation forms for stillborn babies, pregnancy losses before 24 weeks gestation and infants. See Sands' response to Question 51 for additional details.

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

Yes No Don't Know

Additional information: Sands welcomes the clarity around the options for interring or scattering ashes. However, Sands feels strongly that the proposal in section 126 of the consultation document is very important as it highlights that the cremation authority must give 14 days notice after the defined period has elapsed where the ashes have been left with the crematorium awaiting collection or further instructions. Sands also hopes that this legislation does not impose the defined period as a maximum time limit to allow for crematoria to keep ashes for longer periods at their discretion.

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?

Yes No Don't Know

Additional information: If sections 121 and 122 are implemented as they currently appear, Sands is in favour of one of these options being selected before cremation occurs. The options currently outlined in sections 121 and 122 allow bereaved parents and families time (8 weeks) to determine whether ashes should be interred, scattered or collected by the family or a representative such as a funeral director where applicable. This time to decide what should happen with ashes is important as some bereaved parents may not feel able to make a decision immediately.

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

Additional information: Sands recommends that a separate form be used instead of Form A in cases of stillbirth, pregnancy loss or the death of an infant or very young child. Also, by allowing for such a statement on any cremation form, this does not safeguard against crematoria not using practices that will promote the recovery of ashes from a baby. In the majority of cases, it is possible to recover ashes after 17 weeks gestation. In very rare cases or at earlier gestations (e.g. before 17 weeks) where ashes are not likely to be recovered, the director of the crematorium would need to explain this to parents in more detail. It is important to manage parents' expectations about the recovery of ashes, particularly for earlier gestation losses or where the condition of the baby may affect the recovery of ashes. However, it should be possible for crematoria to recover ashes in the cases of most stillborn babies or infants. In this section, "a very young child" should be defined in the legislation.

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

Additional information:

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: Don't know.

Sands requests clarification here. Does this question apply to the 8 week period mentioned in sections 121 and 122 or is this relevant only to cases where ashes have been returned by a funeral director?

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

Additional information: Sands does not feel that having the application countersigned is relevant if bereaved parents are required to instruct the disposal of the body in the event of a stillbirth.

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

Yes No Don't Know **X**

Additional information:

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?

Yes No **X** Don't Know

Additional information: Sands feels that separate forms should be used. In response to the second question, see Sands' response to Question 51 regarding why separate forms are more appropriate for each category.

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

Response: Don't know.

Sands feels unable to advise on all essential information required for a cremation application. As a bare minimum, Sands feels that it is important to include a place on the form for bereaved parents to confirm their consent for the disposal of any remains and a space for the details that are relevant for recovering ashes for stillborn babies, pregnancy losses before 24 weeks gestation and infants (for example, information about the gestation or age).

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?

Response: Don't know.

Sands feels unable to comment on the best way to enable Cremation Authorities to undertake this scrutiny. However, Sands feels that the crematorium manager should be legally responsible.

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

Yes No Don't Know

Additional information: Introducing statutory forms for burials ensure that practice is consistent and that all relevant options have been discussed with bereaved parents and families.

Pregnancy loss

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

Yes No Don't Know

Additional information: Sands feels unable to fully comment on this question. However, having clear guidance on burying a pregnancy loss of less than 24 weeks gestation at home may be beneficial to parents.

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

Yes No Don't Know

Additional information: Sands feels unable to fully comment on this question. However, an alternative process for cremating a pregnancy loss where there is no medical certificate is important as it will help to facilitate the process for bereaved parents whose loss occurred at home. However, referring such cases to the procurator fiscal may be unnecessarily distressing for bereaved parents. One solution may be to require that parents obtain medical documentation from their GP or midwife to confirm the gestation as funeral directors should not be expected to assess the gestation of the loss.

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?

Yes No Don't Know

Additional information: Sands feels that having a form to seek the mother's consent is important as it protects the mother's right to make choices about disposal and ashes.

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?

Yes No Don't Know

Additional information:

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?

Yes No Don't Know

Additional information: Sands feels unable to fully comment on this proposal. However, it may be important for a healthcare professional to be included on the list of people who are able to instruct the disposal of remains when the mother is unable to do so as there may be cases when only the mother and healthcare staff are aware of the loss. See Sands' response to Question 16 for further considerations that may need to be considered about how a woman is defined as being unable to make this instruction.

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?

Yes No Don't Know

Additional information: Sands has concerns about the imposition of a maximum time limit for storing a pregnancy loss as this would not allow hospitals to store the pregnancy loss for longer periods at their discretion. Sands recommends defining a minimum time limit for storing a pregnancy loss before it is cremated in a shared cremation.

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

Yes No Don't Know

Additional information: If these forms are statutory, this will help to remove ambiguity when mothers miscarry at home and have difficulty obtaining documentation that will permit cremation.

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

Yes No Don't Know

Additional information: If this form is statutory, it will normalize releasing a pregnancy loss to bereaved parents. This practice will ease parents' access to the pregnancy loss and this process will become a part of the hospital's training for staff.

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

Additional information: This should be a statutory form as it is in line with Bonomy's recommendations and will standardize crematorium practices. This form should also include losses that occur at home and it should be made clear how parents can obtain this form. This form should also be separate from Form A.

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

Additional information:

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

Additional information: Information should also be recorded in the Cremation Register about where ashes are interred or scattered by crematoria.

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

Yes No Don't Know

Additional information: Is it possible for mothers and other parents to be identified in the Register if they wish?

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

Additional information: This is important as it protects the rights of bereaved parents and families to view the register.

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

Yes No Don't Know

Additional information:

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

Additional information:

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

Response: Don't know.

Inspector of crematoria

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

Yes No Don't Know

Additional information:

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?

Yes No Don't Know

Additional information: Sands supports the Inspector also being responsible for regulating Burial Authorities and exhumations but is unable to comments on other functions.

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

Additional information: How will this period be defined?

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?

Yes No Don't Know

Additional information: Sands feels that the industry would benefit as regulation would help ensure consistency and best practice throughout the industry. However, concerns have been raised about the time needed to implement the regulations.

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

Sands is in favour of a fully licensed system being used as this is in line with Bonomy's recommendations and would be required to properly regulate the system.

Q85 - Do you agree that an additional inspector role, separate from the Inspector of Crematoria, would be required to support a regulatory regime?

Yes No Don't Know

Additional information:

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

Additional information:

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

Yes No Don't Know

Additional information: Sands feels that this would protect bereaved parents and families who may be affected by funeral poverty but feels unable to fully comment.

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

Response: Don't know

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: