



## **CONSULTATION ON A PROPOSED BILL RELATING TO BURIAL AND CREMATION AND OTHER RELATED MATTERS IN SCOTLAND – COSLA RESPONSE**

### General Principles

COSLA welcomes the opportunity to respond to this consultation and supports the general principle to update and modernise the legislative framework covering burial and cremation in Scotland.

Events in recent years have highlighted the need to put dignity and sensitivity at the heart of legislation and regulations for this matter. Whilst accepting the need for a degree of flexibility in approach across Scotland it is important that bereaved families can expect consistency in the information and options available to them when burial and cremation services are called upon. In 2013 COSLA was invited to contribute to the work of the Infant Cremation Commission and the Health & Well-being Executive Group endorsed our involvement and to receive update reports as the Commission progressed its work. For COSLA one of the key issues concerned the information given to bereaved parents about the ashes which remain after cremation, the practices for disposal of the ashes and the choices offered to parents.

The Commission report addressed the range of important issues including the recovery of ashes, training, and regulation and made wide-ranging recommendations. COSLA welcomes the translation of these recommendations as set out in the Bill – which seek to secure clarity and consistency of information given to bereaved parents and families. In addition we support the proposals aimed at ensuring a more consistent technical understanding and operational approach but which allow for legitimate variation according to local circumstances.

Local authorities, together with private companies play a crucial role as ‘Cremation Authorities’ and we believe it is right that the new legislative framework should apply equally to both privately and publically owned cemeteries and burial grounds in the same way that current legislation applies to crematoria regardless of ownership. We agree that this is a fair approach which will lead to a transparency of costs and services.

One of the core questions concerned the nature and definition of “ashes” and the consistency around the recovery of ashes in baby and infant cremations; and again we support the approach the Bill has taken in clarifying this definition as well as the proposed regulations of baby and infant cremation and the redesign of the forms which require to be completed for registration.

In terms of response to more detailed and technical aspects of the Bill we will defer to our colleagues in local authorities/cremation and burial authorities to furnish informed comment.

## Funeral Poverty

The 2013 Audit Scotland report<sup>1</sup> on charging states that *'charges are an important source of income and are a means to help councils achieve their objectives'*. It is clear then that councils have a legitimate role in charging the users of their services through a variety of means. The approaches and policies councils use can vary across different councils according to local needs and priorities as determined through the local democratic mandate.

In terms of the specific question around funeral poverty we understand that the fees collected via funeral directors by local authorities for burial and cremation services comprise only a fraction of overall costs of a funeral. We believe that a legal requirement for local authorities to charge funeral costs on a cost recovery basis only would have a negligible impact on funeral poverty and that securing transparency of costs through the proposals to regulate the funeral industry has far greater potential for tackling this issue. Furthermore the principle of national direction in relation to local charging is not something that COSLA could support.

Most local authorities already publish their fees on an annual basis as this is public information so a legal requirement for councils to do this is unnecessary. On the other-hand private companies have no such obligation. A recommendation through guidance might then be a more effective approach toward transparency in this regard.

## Funding

COSLA believes that all councils will wish to give effect to the policy intent of the Bill and recognise that there will be a range of new costs which local authorities will incur in implementing the recommendations in the Bill. COSLA anticipates the Scottish Government will wish to ensure that all these proposals, including those related to the areas listed below, are fully funded.

- Notices for reuse of burial lairs.
- Development of information management and archiving systems
- Curation and storage of memorials and headstones.
- Accreditation of cremation authority staff.
- Development and printing of burial/cremation forms.
- Funding the loss of local authority income if burial services are charged on a cost recovery basis.

We anticipate that all these areas will be fully explored in the financial memorandum associated with the Bill on which we anticipate the opportunity to make further comment.

It should be noted that whilst COSLA was linked with the work of the Infant Cremation Commission and have worked with our member councils and advisors to develop this brief response, we have not had an opportunity to discuss the detail of the proposed Bill at any of our committees, as such our response should be considered with that caveat.

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<sup>1</sup> [http://www.audit-scotland.gov.uk/docs/local/2013/nr\\_131031\\_hcw\\_charging\\_services.pdf](http://www.audit-scotland.gov.uk/docs/local/2013/nr_131031_hcw_charging_services.pdf)

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