

Burial authorities, cremation authorities, and funeral directors: a statutory inspection regime for Scotland

Consultation Analysis Report

July 2024

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Executive Summary

Between 25 August and 17 November 2023 the Scottish Government undertook an online consultation on its proposals for an inspection regime under section 90 of the Burial and Cremation (Scotland) Act 2016 ('the 2016 Act'). The consultation was comprised of 32 questions, and collected information in both survey and open-ended comment format. The analysis of responses was conducted in late 2023/early 2024.

The purpose of this consultation was to seek views on proposals for regulations for inspection of the funeral sector in Scotland, including burial authorities, cremation authorities, and funeral directors. The proposals contained within the consultation are an essential step in ensuring that a modern and comprehensive regulatory framework for the funeral sector in Scotland is realised.

The consultation received 32 responses (26 from organisations and six from individuals).

The consultation was published as part of a collection of four consultations relating to the content of various sets of regulations that are intended to be made under sections of the 2016 Act which have not yet been implemented. The other three consultations related to:

- [Burial regulations](#)
- [Alkaline hydrolysis \(an alternative to burial or cremation\)](#)
- [Funeral director licensing regulations](#)

Main Findings

Overall, there was support for the proposals for the intended inspection regime. Key points from the consultation responses are as follows:

- There was nearly unanimous agreement with the proposal to provide for both routine and ad-hoc inspections, as well as announced and unannounced ad-hoc inspections. However, additional comments received noted potential disruptions that unannounced ad-hoc inspections might cause, the impact this might have on bereaved families and the businesses themselves, or how this might not be an efficient use of inspector resources.
- There was majority support for a risk-based approach to determining frequency of inspections. Where respondents provided suggestions for how risk should be assessed, this included for example, the professional qualifications of staff, evidence of staff training or continuing professional development opportunities, and details of most recent trade body inspection.
- There was respondent support for linking inspections and funeral director licence renewal cycles, with comments focusing on how linking was an efficient way to approach this for both the organisations being inspected and the Inspectors.

- Mixed views were received regarding how larger funeral director business premises should be inspected, with regards to whether all premises should be inspected (Option A) or only a randomly selected percentage of premises (Option B). There was slightly more support for Option A, for which respondents made comments suggesting this option would have greater fairness, a more comprehensive approach to maintaining standards, and would better ensure public confidence in the sector. Comments related to support for Option B tended to centre on Option B offering a balance between what was feasible in terms of resources without affecting standards.
- Regarding proposals for Inspectors' powers, the Scottish Government provided an updated list of equipment and items that may be examined by Inspectors during an inspection or investigation. Some respondents suggested adding certain items to the proposed list of items, including chemicals and other documentation such as complaints records.
- Respondents generally welcomed the proposal for Inspectors to be able to request interviews with staff of relevant bodies and the right for potential interviewees to refuse to be interviewed. Additional comments noted interviews would allow for inspections to be more comprehensive. However, several respondents raised issues related to safeguarding of those interviewed by the inspectors, especially those interviewees who are employed within a business.
- There was support for the Scottish Government's proposal to not include in regulation powers for Inspectors to seize, detain, or remove equipment from relevant bodies. Additional respondent comments tended to centre on seizure, detention and removal being deemed unnecessary and impractical.
- A majority of respondents agreed that Inspectors should be able to issue an enforcement notice which requires equipment to be repaired or replaced. A majority of respondents also agreed that Inspectors should be able to issue an enforcement notice which prohibits a relevant body from using equipment until it is repaired or replaced.
- Over half of respondents agreed that 14 days is appropriate timescale to require a response from a relevant body to a draft inspection report developed by Inspectors.
- There was general support for the proposed processes for issuing and lifting enforcement notices and suspension notices, with some feedback that more clarity on the practicalities of this (e.g. timescales) and how impact on services and the bereaved would be minimised.
- Respondents were broadly supportive of the proposed appeal process for decisions made either by Inspectors or Scottish Ministers. Further comments were received regarding the need for clarity on the timeframe of appeal decisions, and a suggestion that a senior inspector review of an enforcement notice should occur automatically and not on request from the relevant body.

- The majority of respondents were supportive of the proposed approach to complaints. Additional comments received focused on ensuring there was coherence with existing complaints processes in local authorities, and about the practicalities of the complaints process.

Next Steps

Following this analysis of the consultation responses, the Scottish Government will further consider the proposals for the intended inspection regime in its development of inspection regulations. The results of this analysis will also be reviewed in conjunction with the responses received to the other three public consultations which were published in Autumn 2023.

The Scottish Government recognises that an inspection regime would introduce new requirements for the funeral sector to operate in Scotland, and that there remain important considerations for what implications this may have on the sector and the public. A full set of impact assessment screenings will be undertaken – and where appropriate full impact assessments will be completed - in parallel with the development of the draft inspection regulations. These will include development of thinking regarding the costs and benefits to relevant bodies in the funeral sector and to the public.

The intention is to develop the regulations with a view to laying them in the Scottish Parliament in time to align with the coming into force of the Funeral Director Code of Practice. It is noted that the Code is currently in a year-long grace period that was put in place to allow funeral directors to attain compliance before it comes into force on 1 March 2025. This was an accelerated timescale from the 18-month grace period originally proposed in the Code's public consultation, however it complies with the Scottish Government's Better Regulation agenda to allow businesses proportionate and appropriate opportunities to achieve full compliance with new regulatory requirements.

The Scottish Government is working at pace to fulfil the above intention, subject to parliamentary processes and approval. Further, the Scottish Government continues to progress work on how the proposed inspection regime would be brought into operation, including consideration of any new digital platforms, policies and procedures needed.

1. Introduction

This report presents the analysis of the Scottish Government's public consultation on [“Burial authorities, cremation authorities, and funeral directors: a statutory inspection regime for Scotland”](#), which was open for responses between 25 August and 17 November 2023. It received 32 responses.

The purpose of this consultation was to seek views on proposals for regulations for inspection of the funeral sector in Scotland, including burial authorities, cremation authorities, and funeral directors. The proposals contained within the consultation are an essential step in ensuring that a modern and comprehensive regulatory framework for the funeral sector in Scotland is realised.

The current consultation was published as part of a collection of consultations relating to the content of various sets of regulations that will be made under the 2016 Act which have not yet been implemented. The other three consultations related to:

- [Burial regulations](#)
- [Alkaline hydrolysis \(an alternative to burial or cremation\)](#)
- [Licensing regulations](#)

1.1 Background

The passing of the Burial and Cremation (Scotland) Act 2016 ('the 2016 Act') repealed antiquated primary and secondary legislation, and replaced it with a consolidated Act covering burial, cremation and other forms of body disposal. It provides much-needed modernisation and improvement of processes for burial, cremation, and funeral services, and provides the framework for a regulation system which meets the needs of modern Scotland.

The 2016 Act gives Scottish Ministers the power to, amongst other things, establish an inspection regime for burial authorities, cremation authorities and funeral directors.

Burial authorities and funeral director businesses operating in Scotland are not currently subject to industry-specific statutory regulation besides that which has been commenced under the 2016 Act. Cremation authorities are currently subject to the Cremation (Scotland) Regulations 2019. All three types of 'relevant bodies' are subject to broader environmental and health and safety legislation.

The consultation was intended to present the Scottish Government's proposals on this inspection regime under section 90 of the 2016 Act, and to seek views on these proposals. The proposed inspection regime is a vital part of the Scottish Government's overall strategy to modernise the regulations covering the funeral sector in Scotland, and will be critical in our aim to improve standards and increase the confidence that the bereaved can have in the sector.

Under the proposed inspection regime, inspections will be undertaken against the relevant regulations and Codes of Practice for each area of the sector. See below for

more information on the Funeral Director Code of Practice. Codes of Practice will also be developed for cremation authorities and burial authorities, alongside the relevant regulations.

2. Funeral Director Code of Practice

The 2016 Act provides powers for Scottish Ministers to issue three separate statutory Codes of Practice, one for each of the areas of the funeral sector with which the 2016 Act is concerned. These are a Funeral Director Code of Practice (section 97), a Burial Authority Code of Practice (section 21), and a Cremation Authority Code of Practice (section 64).

These Codes of Practice will provide minimum standards with which burial authorities, cremation authorities, and funeral directors will need to comply. Importantly, these Codes, and regulations made under the 2016 Act, will provide the standards against which these relevant bodies will be inspected under the proposed inspection regime (the topic of this consultation analysis report).

The Scottish Government has now developed the Funeral Director Code of Practice ('the Code'), using powers under section 97 of the 2016 Act. On 31 January 2024 the Code was approved by the Scottish Parliament. A year-long grace period to become compliant with the Code then came into effect; the Scottish Government intends to formally issue and bring the Code into force on 1 March 2025. The Code, once issued and in operation, will apply to all funeral directors carrying out the functions of a funeral director in Scotland regardless of where their business is based.

Please see the [Scottish Government website for the approved Code](#).

The Code aims to achieve three key outcomes:

- ensure minimum standards of care of the deceased;
- establish and promote a common understanding of good practice in relation to care of the deceased; and in doing so,
- help increase transparency of choice of goods and services to help people in Scotland to make informed decisions.

The Code was developed in close collaboration with the funeral industry and other partners, to ensure it reflects established best practices in the industry and that the intended outcomes of the Code are proportionate, pragmatic and justified. The Code has been available in draft form on the Scottish Government's website since 2019 and has been extensively consulted on. The [results of the public consultation](#) held in June – September 2019 can be found on the Scottish Government website. Further information about industry engagement during development of the Code can be found in the [Business and Regulatory Impact Assessment](#).

The Code does not negate the responsibility of funeral directors to adhere to other legislation and guidance, for example that relates to health and safety or environmental concerns.

In future, the Scottish Government will also develop and issue Codes of Practice for burial authorities and cremation authorities. Until these Codes are developed, any statutory inspections of burial authorities and cremation authorities will be against the standards set in the 2016 Act, the Cremation (Scotland) Regulations 2019, and the forthcoming burial regulations (currently under development, see [consultation on Scottish Government website](#)).

3. Previous 2017 Consultation on Inspection

The Scottish Government previously ran a consultation on [statutory inspection of burial authorities, cremation authorities and funeral directors](#) between 6 July 2017 and 1 September 2017 and received 44 responses. The 2017 consultation asked eight questions on the following topics:

- Frequency of inspections
- Ad-hoc inspection, enquiry or investigation
- Search and examination of items on a premises and seizure of items
- Interviews
- Compliance and enforcement
- Revocation of licences
- Reviews and appeals

The original responses to the 2017 consultation remain available on the Scottish Government website. A separate consultation analysis will not be published for the 2017 consultation as it has now been overtaken by the 2023 consultation and reflects earlier, less detailed policy proposals for the proposed inspection regime. However, responses to the 2017 consultation helped to inform the Scottish Government's proposals in the 2023 consultation.

Overall, there was majority support for all proposals set out by the Scottish Government in the 2017 consultation. Useful comments, critiques, and suggestions were also received in response to individual questions.

Since that time, extensive engagement with the funeral sector, including to develop the Funeral Director Code of Practice, have also helped to inform the proposals which were contained in the current 2023 consultation. Where a topic was discussed in the 2017 consultation and included again in the 2023 consultation (with greater detail), this was noted in the 2023 consultation paper.

4. The 2023 Consultation on Statutory Inspection of the Funeral Sector

4.1 Need for second consultation on statutory inspection of the funeral sector

Views and feedback from respondents to the 2017 inspection consultation have been vital in shaping the proposals for the inspection regime. The current, 2023 consultation builds on the 2017 consultation by seeking views on more detailed proposals for the inspection regulations. This reflects the further development of the proposals since 2017. This further development was facilitated by exercises including but not limited to further engagement with the funeral sector and learning obtained through the process of developing the [Funeral Director Code of Practice](#).

4.2 Proposed inspection regime

An overview of the Scottish Government's proposed inspection regime is set out in the 2023 [consultation paper](#). Overall, the regulatory framework to which the inspection regulations will contribute are intended to regulate the industry in its care and handling of the deceased.

The 2023 consultation sought public responses to the proposals for the inspection regime. To enable operation of any inspection regime, the regulations to be developed following this consultation analysis will set out details about how the inspection regime is intended to work. They will provide a framework, in particular, for inspection, investigations, enforcement and appeals.

In preparation for developing an inspection regime, officials convened an Inspection Regulations Working Group with members from the industry, public sector and third sector. The Working Group met three times during 2018 and 2019, bringing together a range of stakeholders to discuss and shape views on the proposals contained within this consultation.

4.3 The 2023 consultation

As has been noted, the "[Burial authorities, cremation authorities, and funeral directors: a statutory inspection regime for Scotland](#)" consultation ran online between 25 August and 17 November 2023. The consultation document remains available on the Scottish Government website.

The 2023 consultation was split into sections with specific questions on proposals for:

- Types of Inspections (including ad-hoc or unannounced inspections)
- Frequency of Routine Inspections of Burial Authorities, Cremation Authorities and Funeral Director Businesses
- Routine Inspections of Funeral Directors: Number of premises inspected
- Equipment and Items Which May be Inspected
- Interviews of staff members and clients
- Seizure, Detention or Removal of Equipment
- Inspection Reports
- Enforcement Notices
- Suspension Notices for burial authorities and cremation authorities
- Reviews and Appeals
- Complaints
- Additional Comments

The consultation consisted of 32 total consultation questions. Eight (8) of these consultation questions were closed survey-style questions requiring a fixed response selected from a list of options. The remainder were open questions either inviting further explanation of preceding choices in fixed response questions or inviting broader comments on the proposals.

4.4 Profile of respondents

The proposed inspection regulations will have direct implications for funeral directors, burial authorities and cremation authorities. Therefore, the Scottish Government was keen to gather a wide variety of views, including from funeral directors, local authorities, private burial or cremation authorities, funeral industry trade body representatives and any other groups or individuals with a working knowledge of, or interest in funeral directing, burial, cremation or the wider funeral industry. The Scottish Government also wanted to hear from members of the public. Responses were received from all groups.

Most responses (n=27) were received through the consultation hub ("[Citizen Space](#)") on the Scottish Government website, and a further five were received by email. A small number of responses were accepted after the official closing date, on request.

Of the 32 respondents, 72% (n=23) were submitted on behalf of an organisation, and 28% (n=9) were from individuals. Of those who identified as 'individuals', when asked if they worked in a sector related to the funeral sector, 56% (n=5) said they worked in related professions. Organisation respondents were asked to identify which organisation they were responding on behalf of and categorise the sector areas to which this organisation belongs.¹ Table 1 provides further detail on the number of respondents in each subcategory. Responses were received from those representing funeral directing organisations, burial and cremation authorities, local government, relevant trade bodies, faith organisations, health bodies, third sector

¹ Those who responded by email did not have these questions available so were contacted directly (where permission for further contact was given) to ask this question.

organisations. Responses from individuals included both those working within and outside the funeral sector.

Table 1: Distribution of responses by category and subcategory of respondent.²

Responding as Individual or on behalf of Organisation	Subcategory of employment/organisation	Number of responses	Percentage of all respondents (n=32)
Individual	Funeral Directing	3	9%
	Burial Authority	0	0%
	Cremation Authority	1	3%
	Other area of funeral sector	1	3%
	I don't work in the funeral sector	4	13%
	Total individuals	9	28%
Organisation	Funeral director business/organisation	5	16%
	Trade body for funeral directors	1	3%
	Burial authority only	6	19%
	Cremation authority only	1	3%
	Burial authority and cremation authority	1	3%
	Trade body for burial authorities or cremation authorities	2	6%
	Health body	1	3%
	Local government	4	13%
	Faith/religion based organisation	1	3%
	Third sector	1	3%
	Other organisation (e.g. guidance, sales)	0	0%
	Total organisational responses	23	72%
	Total Responses	32	100%

4.5 Analysis methodology and reporting

This report presents both quantitative and qualitative findings. Quantitative data were obtained from closed survey-style questions where respondents could select from predetermined choices (e.g. 'yes/no', 'agree/disagree'). These data are presented in tables and charts to show the number of respondents selecting each possible answer.

Qualitative data were gathered from comments that respondents gave in response to open questions (where respondents were given free text boxes in which to respond). Unlike quantitative data, qualitative data allows for insights and understanding to be gained by looking at the detail of respondents' answers, and is presented in this report as descriptive text and verbatim quotes from respondents.

² Percentages rounded to nearest whole number

Data Entry

Data from responses received by email were entered manually onto the [Citizen Space](#) Consultation Hub and, as per best practice, the accuracy of a sample of the data entry checked by a second analyst. All responses were downloaded from the Consultation Hub into a Microsoft Excel Spreadsheet. Data were analysed on a question by question basis except where questions linked to each other, for example when respondents were asked to give reasons for a selection in a previous question.

Data Analysis and Reporting

An analysis of responses to the consultation's closed questions was conducted. The number of respondents answering each question is reported. The frequency of responses, and distribution of these responses based on respondent employment/organisation type, are reported in tables and stacked bar charts. Where percentages are given these are rounded to the nearest whole number, and represent a percentage of the total respondents answering the specific question, rather than the total number of respondents taking part in the consultation.

Data from the open-ended consultation responses are reported descriptively, and supported by direct, anonymised quotations from respondents (where permission was given for responses to be published). Qualitative analysis does not normally quantify results, since useful insights might come from a minority of respondents. However, to assist the reader in interpreting the report, where appropriate some quantitative figures are given or descriptions like 'majority' or 'minority' used. For example, where a clear majority or minority of respondents have answered in a similar way, some references are made to this in the description of the response data to give a sense of the weight of response. However precise frequencies or percentages are mostly avoided when reporting the qualitative data due to the subjective nature of analysing these responses.

Findings are reported in the same order and groupings in which they were presented within the consultation. They are discussed in this report in the following sections:

- 5.1 Types of Inspections:** Question 1
- 5.2 Frequency of Routine Inspections of Burial Authorities, Cremation Authorities and Funeral Director Businesses:** Questions 2-9
- 5.3 Routine Inspections of Funeral Directors: Number of premises inspected:** Questions 10-12
- 5.4 Equipment and Items Which May be Inspected:** Question 13
- 5.5 Interviews of staff members and clients:** Question 14
- 5.6 Seizure, Detention or Removal of Equipment:** Questions 15-17
- 5.7 Inspection Reports:** Questions 19 and 20
- 5.8 Enforcement Notices :** Questions 21-23
- 5.9 Suspension Notices for burial authorities and cremation authorities:** Questions 24-28
- 5.10 Reviews and Appeals:** Questions 29 and 30
- 5.11 Complaints:** Question 31
- 5.12 Any other comments:** Question 32

5. Findings

5.1 Types of inspections

Summary of Consultation Information Provided with Question 1

Section 90 of the 2016 Act provides powers for Scottish Ministers to make regulations about the circumstances in which inspections are to be carried out. The 2017 inspection consultation asked whether Inspectors should have powers to carry out both routine and ad-hoc inspections. A routine inspection would be one which is regularly scheduled and for which an authority or business is given advance notice. The frequency of routine inspections is asked about in the next section of this consultation. Ad-hoc inspections would be those which fall outwith the regular routine inspection schedule. The 2023 consultation set out the Scottish Government's intention remains, in addition to routine inspections, both announced ad-hoc and unannounced ad-hoc inspections are to be provided for in the proposed inspection regulations.

More information can be found in the consultation paper.

Results

Question 1: Please provide any comments on the Scottish Government's proposals related to types of inspections by inspectors.

Twenty-six (26) of the 32 respondents submitted comments on the proposals related to inspection types. Almost all of these responses (n=25, 96%) were supportive of the proposals with some respondents offering their straightforward agreement and others choosing to make specific points about one or more of the proposed inspection types, or the proposals in general. These comments have been categorised into three themes, presented below.

Theme 1: Impact of proposed inspections by inspectors on Business, Resources and Bereaved people (Specific feedback on ad-hoc unannounced inspections)

Some comments gave feedback on specific proposed types of inspections; mostly these centred on ad-hoc unannounced inspections. There was a spectrum of responses in terms of support with some emphatically supportive of this proposal, others with a general support but some concerns, and one that focussed only on concerns. Concerns centred around potential disruptions that unannounced inspections might cause and the impact this might have on bereaved families and the businesses themselves, or how this might not be an efficient use of inspector resources. The following quotations provide insight into both the spectrum of support as well as the different points of view from different respondent types.

“Agree the need for regular routine inspection as needed, determined by the inspector; and would strongly press for the inspector to have powers to conduct unannounced ad-hoc inspections without prior notice being given to the body being inspected.”

[Individual, Not employed in the funeral sector]

“There seems a good balance achieved in the SG position. For initial licencing [sic] inspections, an announced inspection would seem appropriate so all required information and people can be readily available. For the inspector to arrive unannounced to find no-one available, a funeral in progress, all vehicles and equipment away or something similar would seem highly inefficient and unprofessional. However the need to reserve the right to ad-hoc inspections particularly where it is a risk based analysis inspection or enforcement, seems totally proportionate and logical.”

[Organisational response, funeral director business/organisation]

“We welcome the proposal for routine, ad hoc (announced) and ad hoc (unannounced) on the understanding that unannounced inspections need to be justified and in the view of the Inspector strictly necessary. There should be a clear understanding of the parameters within which an unannounced inspection can take place. In addition, while we welcome the principle of unannounced inspections, there needs to be a published regulation whereby if a funeral director is put at a disadvantage during an unannounced inspection through no fault of their own (for example, a member of staff important to the inspection process is not available) then this is not held against them or disadvantage them in any way regards the inspection process.”

[Organisational response, trade body]

“While the principle of unannounced inspections is not without merit, we believe that the practicality of instigating them for the funeral sector in Scotland may prove unsustainable – especially for Funeral Directors operating from multiple premises. For example, many, if not most, of our funeral homes are operated by lone workers. This means that due to business requirements, sickness or other unforeseen events, some branches are occasionally closed without notice. Occasionally, some funeral branches can become extremely busy – to the point that a member of staff may not be available for an entire working day to satisfy the needs of the inspector...We believe that some degree of notice, not less than 24 hours, would be necessary to mitigate the possibility of a significant amount of wasted time and effort on behalf of the inspection team. A 24 hour window should be enough for businesses to ensure facilities are open and able to be inspected but not long enough for those engaging in bad practice to take adequate steps to sufficiently conceal wrongdoing.”

[Organisational response, funeral director business/organisation]

“Unannounced inspections would concern me for a number of reasons:

- Bereaved person on the premises
- A funeral service taking place on the premises
- No staff being available to deal with inspectors if we're all out at funerals/removals/arrangements, etc.
- Being unable to devote sufficient time to the Inspectors due to at-need priorities to the bereaved.

We ask that our families make appointments to visit our premises so don't see why government inspectors should be any different.”

[Individual, Employed in funeral directing]

There were some comments around the details and practicalities of visits (any visit type), especially around timing, frequency and content. Some respondents expressed they needed more specific information to understand how proposals would work in practice within their own context.

Theme 2: Sensitivity and Understanding

Several respondents made points about the importance of inspectors (and the regime) fully appreciating the nature of the sector and acting in an accordingly sensitive way. In particular around mitigating impact on bereaved families, and recognising the reactive and responsive nature of funeral sector businesses in terms of how quickly workloads and priorities can change in the short term.

“Satisfied as long as they are respectful to the nature of the business”

[Organisational response, funeral director business/organisation]

“Agree with the intention for both routine and ad-hoc inspections bearing in mind operational and business needs at the time of the inspection.”

[Organisational response, burial authority]

Theme 3: Sector collaboration

Some participants felt that it was important to see the inspection regime as a collaborative effort between inspectors and the funeral sector with a shared interest in high standards.

“Regulation works best when delivered in conjunction with those being regulated. That is, not being "done to" but by being engaged in the process of setting and achieving standards. If nothing else, it's vital that the impact of limited resources is maximised. That is achieved not by being an occasional surprise visitor relying on the fear of discovery. Instead, it's achieved by engaging with the regulated community and ensuring that it shares the objectives of the regulator and has a clear role in delivering for its profession.”

[Individual, employed in 'Other area of the funeral sector']

There were additional comments about existing inspections in the sector and the resource that other sectors might offer in terms of learning and development.

“We acknowledge the consultation on these proposals and we support the need for proportionate, risk-based, intelligence led inspection. When drafting the legislative requirements we would encourage consideration of and learning from the legislative frameworks for the inspection and quality assurance of other sectors and services, including health and care.”

[Organisational response, Health body]

5.2 Frequency of routine inspections of burial authorities, cremation authorities and funeral director businesses

Summary of Consultation Information Provided with Questions 2-9

Section 90 of the 2016 Act provides Scottish Ministers with powers to make provision about the frequency of inspections. The Scottish Government intends to use these powers and sought views on the approach to determining frequency of routine inspections of relevant bodies. The Scottish Government’s proposal is that a risk-based approach be used to determine the frequency of routine inspections of burial authorities, cremation authorities, and funeral directors.

However, the proposed licensing scheme for funeral directors (see [licensing consultation](#)) will, if implemented, have an impact on funeral director inspections. The proposed licensing scheme for funeral directors is proposing that licences should be renewed every three years and that each renewal application should require an inspection. Should the licensing scheme be implemented, it is intended that the licence renewal inspections of funeral directors will be synchronised with their routine inspections, as determined by the risk-based approach. A full range of information will be used to consider how best to synchronise these inspections, so as not to overburden funeral directors with unnecessary, duplicate inspections.

More information can be found in the inspection consultation paper.

Information regarding analysis

The layout of questions in this section followed a pattern of repeated pairs of questions, each relating to one of the three different organisation types: cremation authorities (Questions 2 and 3), burial authorities (Questions 4 and 5) and funeral director businesses (Questions 6 and 7). As a result there was some crossover in responses to these questions with some respondents repeating their answers for the open-ended questions, or referring back to previous answers (Question 3, 5 and 7).

There were fewer responses to each of the open-ended questions than there were in questions related to proposals affecting all three organisations types. This may be because some respondents did not wish to answer questions related to an organisation type they were not employed in, or representing. Some respondents explicitly stated they were not answering a particular question because of this.

Comments across questions 3, 5 and 7 that were repeated, or do not relate to one specific organisation type will be explored in the final paragraph of this section.

Results

Question 2: Do you agree or disagree with taking a 'risk-based approach' to determining the frequency of routine inspections for cremation authorities?

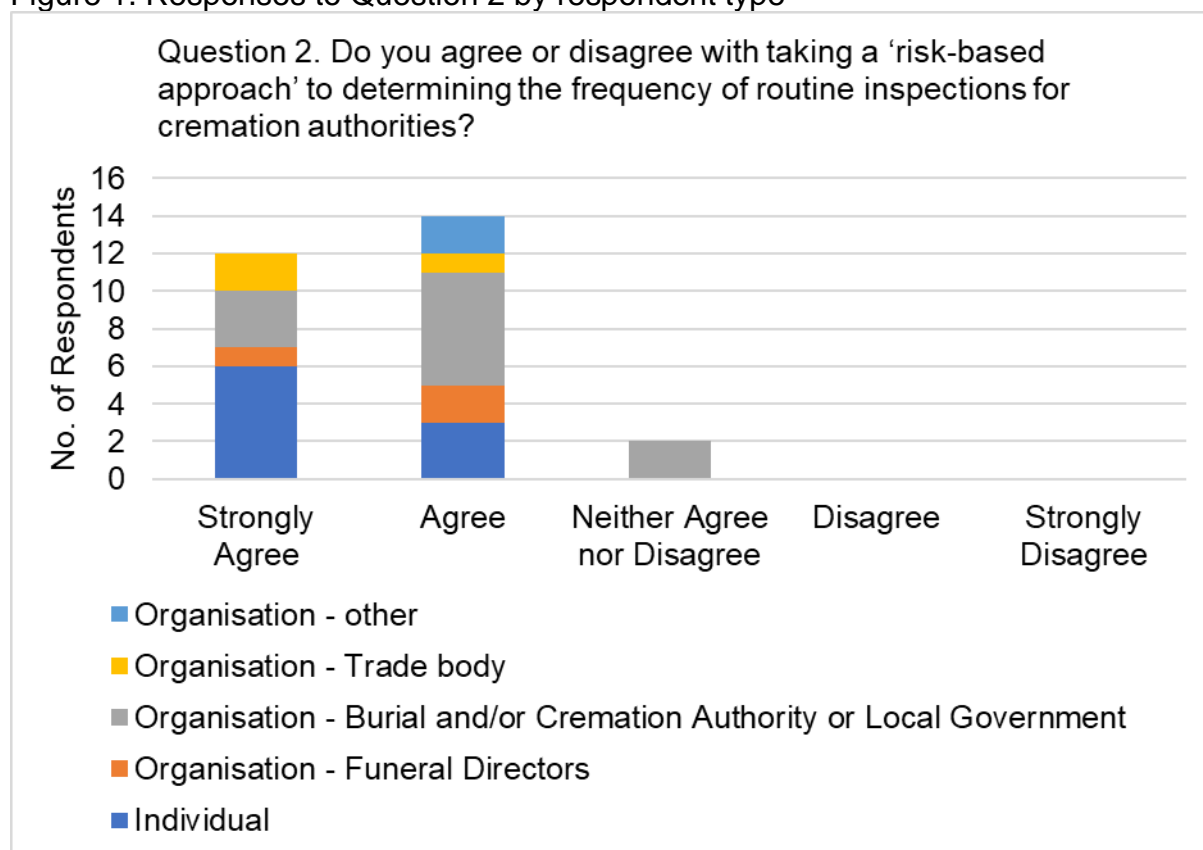
Twenty-eight (28) of the 32 respondents answered this question. A majority (n=26, 93%) of respondents answered 'Strongly Agree' or 'Agree' to Question 2 supporting a 'risk-based approach' to determine the frequency of routine inspections of cremation authorities.

Table 2 and Figure 1 (below) show the responses broken down by respondent type (individual or organisational response, and type of organisation).

Table 2. Responses to Question 2 by respondent type

Respondent Type	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Individual	6	3	0	0	0
Organisation – Funeral Directors	1	2	0	0	0
Organisation – Burial and/or Cremation Authority or Local Government	3	6	2	0	0
Organisation – Trade body	2	1	0	0	0
Organisation – other	0	2	0	0	0
All Respondents	12	14	2	0	0

Figure 1. Responses to Question 2 by respondent type



Question 3. Please provide any suggested revisions or additions to the criteria proposed for determining the level of risk of cremation authorities.

Some respondents used this question to note that they did not wish to comment as they are not a cremation authority, others simply emphasised the agreement they had noted in Question 2. Eight (8) respondents offered more substantial comments. These included suggested additions to the list of criteria, however some of these suggestions were already proposed in the list given in the consultation document.

Three respondents made specific suggestions for additions to the list of criteria:

- Self-assessment evidence – “Annual self-assessment, or ad hoc self-assessment based on risk concerns, for example thematic issues requiring exploration, could be utilised on a required or sample basis to receive data from businesses.” [Individual, employed in ‘Other area of the funeral sector’]. This respondent reiterated these comments in Questions 5 and 7.
- Evidence of staff training/continuing professional development opportunities offered [Individual respondent, not employed in the funeral sector]
- Date of most recent trade body inspection [Organisational response, trade body]

There were some additional comments that did not suggest specific additions to the list of criteria. One respondent suggested that any risk framework tool and the subsequent report based on that assessment should be published in order to be transparent and contribute to public confidence in the sector.

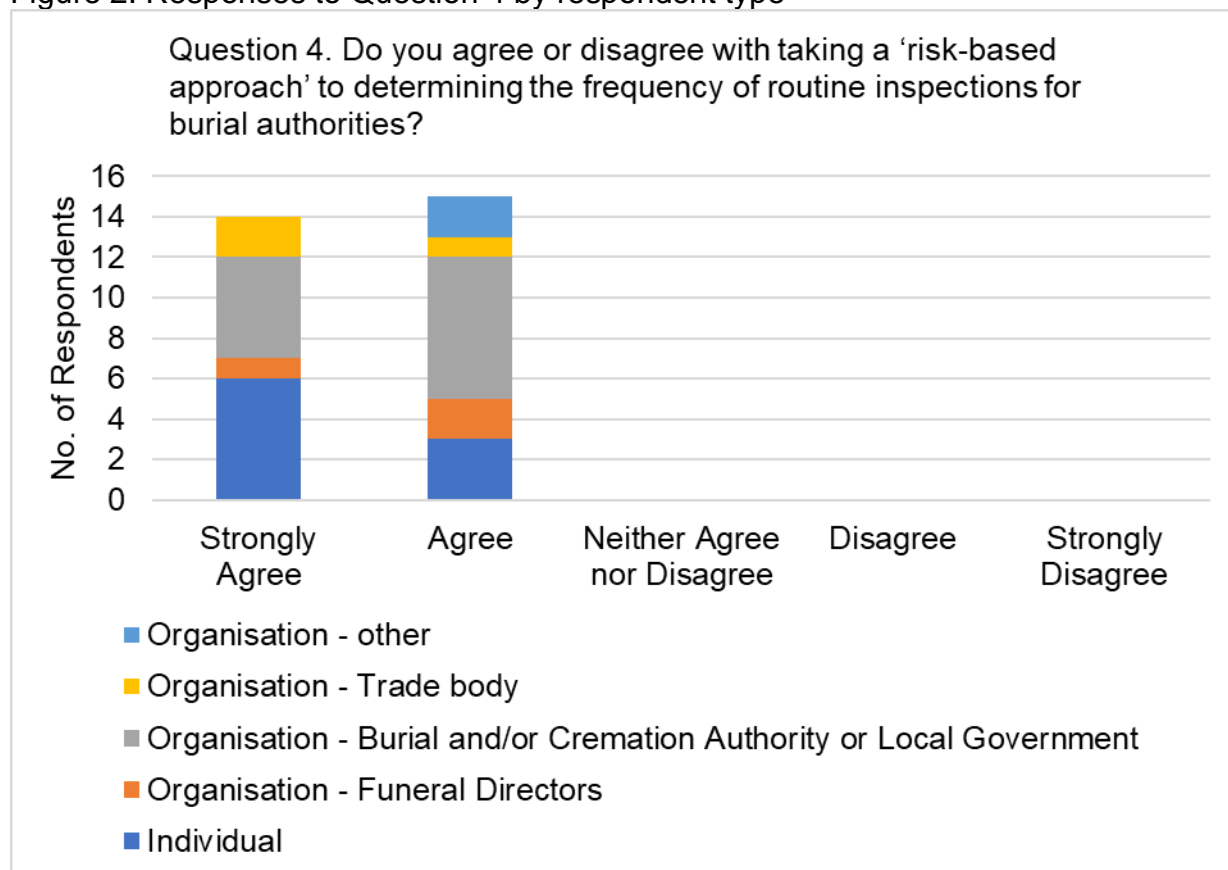
Question 4. Do you agree or disagree with taking a 'risk-based approach' to determining the frequency of routine inspections for burial authorities?

Twenty-nine (29) respondents answered this question. All respondents answered 'Strongly Agree' or 'Agree' to Question 2 supporting a 'risk-based approach' to determine the frequency of routine inspections of burial authorities. Table 3 and Figure 2 (below) show the responses broken down by respondent type.

Table 3. Responses to Question 4 by respondent type

Respondent Type	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Individual	6	3	0	0	0
Organisation - Funeral Directors	1	2	0	0	0
Organisation - Burial and/or Cremation Authority or Local Government	5	7	0	0	0
Organisation - Trade body	2	1	0	0	0
Organisation – other	0	2	0	0	0
All Respondents	14	15	0	0	0

Figure 2. Responses to Question 4 by respondent type



Question 5. Please provide any suggested revisions or additions to the criteria proposed for determining the level of risk of burial authorities.

As with Question 3 above, some respondents used this question to simply emphasise the agreement they had noted in Question 4. Nine (9) respondents offered more substantial comments. These included suggested additions to the list of criteria, however some of these suggestions were already proposed in the list given in the consultation document.

Three respondents reiterated the same suggestions as they had made in Question 3:

- Self-assessment evidence
- Evidence of staff training/continuing professional development opportunities offered
- Date of most recent trade body inspection

In addition, two respondents made suggestions specific to inspection of burial authorities:

- “Budget in relation to volume of burials and burial grounds maintained” [Organisation, Local Government]
- Issues with ground conditions (e.g. where number of lairs possible has been reduced due to changes in ground conditions)

There were some additional comments that did not suggest specific additions to the list of criteria. One respondent, representing Local Government, suggested that different criteria in the list might be considered more important in determining risk than others, and that weighting of different items may be helpful. Another respondent, representing a Faith/Religion based organisation, highlighted concerns with their small volunteer organisation being deemed the same risk as large businesses as is proposed at the stage of initial implementation.

Question 6. Do you agree or disagree with taking a 'risk-based approach' to determining the frequency of routine inspections for funeral director businesses?

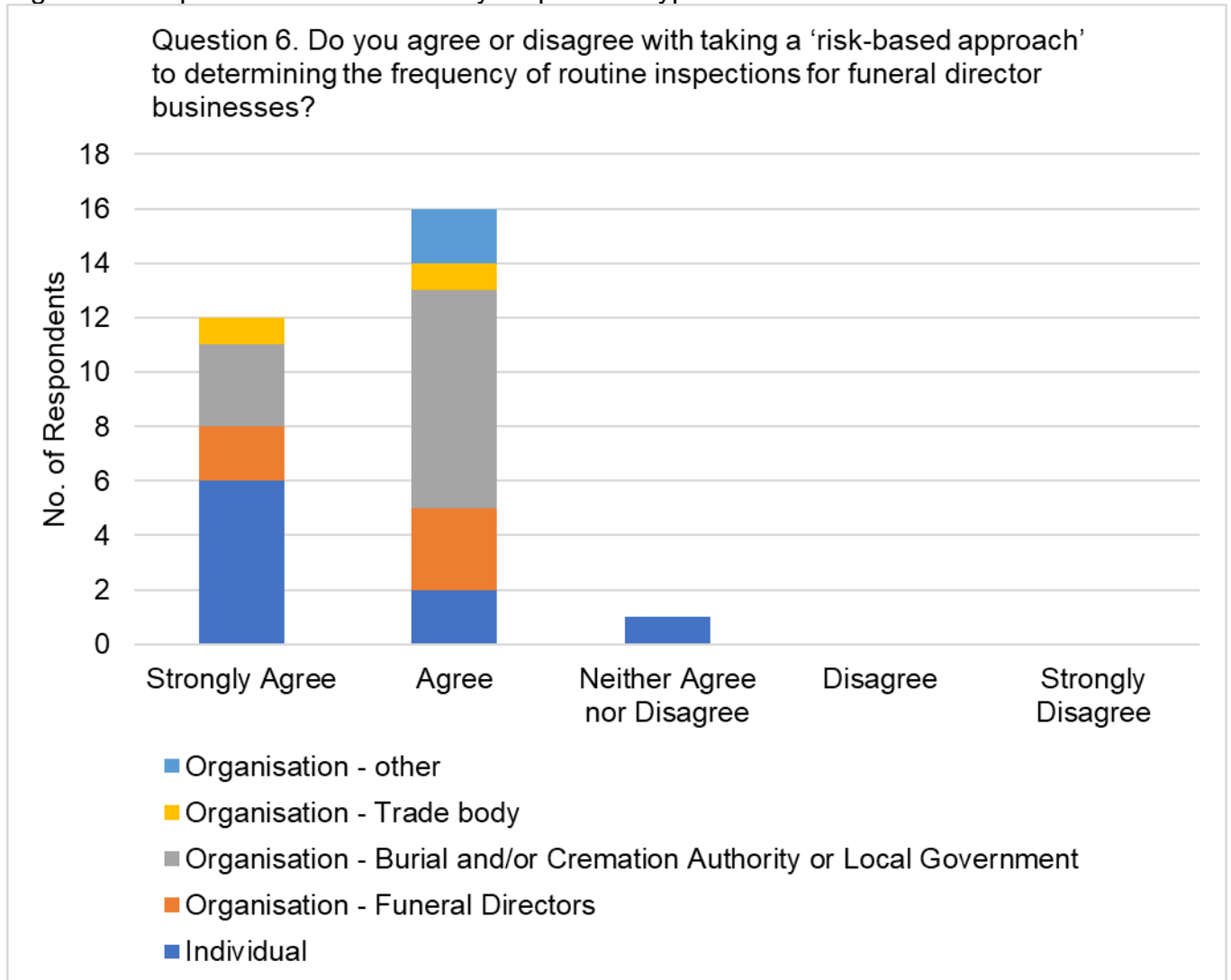
Twenty-nine (29) respondents answered this question. A majority (n=28, 97%) of respondents answered 'Strongly Agree' or 'Agree' to Question 2 supporting a 'risk-based approach' to determine the frequency of routine inspections of funeral director businesses.

Table 4 and Figure 3 (below) show the responses broken down by respondent type (individual or organisational response, and type of organisation).

Table 4. Responses to Question 6 by respondent type

Respondent Type	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Individual	6	2	1	0	0
Organisation - Funeral Directors	2	3	0	0	0
Organisation - Burial and/or Cremation Authority or Local Government	3	8	0	0	0
Organisation - Trade body	1	1	0	0	0
Organisation – other	0	2	0	0	0
All Respondents	12	16	1	0	0

Figure 3. Responses to Question 6 by respondent type



Question 7. Please provide any suggested revisions or additions to the criteria proposed for determining the level of risk of funeral directors.

As with Questions 3 and 5 above, some respondents used this question to simply emphasise the agreement they had noted in Question 6. Nine (9) respondents offered more substantial comments. These included suggested additions or revisions to the list of criteria, however some of these suggestions were already proposed in the list given in the consultation document.

Suggested additions to the list of criteria included:

- Self-assessment evidence (this respondent reiterated comments they had previously made in Questions 3 and 5 suggesting that forms of self-assessment could be utilised as a tool to improve practice and help evidence compliance to inspectors for risk assessment).
- Staff holding professional qualifications – Four respondents suggested this should be included and it was noted by respondents that this appeared in the list for Burial and Cremation authorities but not for Funeral Directors.
- Evidence of staff training/continuing professional development opportunities offered (this had previously been suggested by the same respondent in Questions 3 and 5)
- One respondent suggested several additions: Average refrigeration capacity/use; average time from death to funeral; contracts held e.g. with Police, NHS, other Funeral Directors; details of how different spaces/premises are used, in particular whether deceased are stored or viewed
- Date and details of most recent trade body inspection was suggested by two respondents, including one respondent representing a trade body.
- “Evidence of compliance or non-compliance with the Competition and Markets Authority’s (CMA’s) Funerals Market Investigation Order 2021” [Organisation, Third Sector] was suggested by one respondent.

Respondents also provided comments about criteria already included in the Scottish Government’s proposed list for determining risk amongst funeral directors. These included ‘membership of a trade body’ and ‘number of burials or cremations conducted annually’:

- Comments regarding ‘Membership of a trade body’:

“Membership does not automatically mean the company does not exhibit bad practice, that is dependent on how effective and diligent the body is in monitoring and enforcing their standards... There is also no statutory requirement to be a member of a trade body and we are aware that some funeral companies simply choose not to join, not necessarily because they do not want to be accountable but, for example, because they do not feel properly represented by those trade bodies.” [Organisation, Third Sector]

“It's important to make an active decision about the methodologies used by trade associations IF it's intended to attribute positive outcomes to the regulatory model. [Trade bodies] have very different approaches, and it should not be assumed that theirs replicate the vigour that should apply to the work of the Inspectorate. [Individual, employed in other area of the funeral sector]

- Comments regarding ‘The number of burials or cremations conducted annually’:

“I cannot see the rationale as to why a funeral director conducting more funerals would have a higher risk profile as volume can allow specialisation, investment in equipment and systems, broader training etc...The counter argument is that a smaller operator will have greater control, more intimate knowledge and responsibility and probably the business owner will do everything themselves and have a more vested interest...My question therefore is which has a higher risk profile? I think that criteria should not be considered.” [Organisational response, funeral director business/organisation]

“We wonder how the number of funerals carried out each year will be scored in calculating the risk – will it be automatically considered more funerals equals higher or lower risk? We suggest that it might need to be more nuanced than this.”
[Organisational response, third sector organisation]

<p>Question 8. Please provide any comments on the proposal to link inspections and funeral director licence renewals.</p>
--

Nineteen (19) respondents provided comments for Question 8. All of these responses appeared broadly supportive of the proposals, however there appeared to be some level of misunderstanding in terms of what this question was asking. As a result some responses focussed more on agreeing that inspections were an essential part of licensing, rather than on the timing of these to align with inspection regime requirements.

Where responses focussed on the proposed linking of inspections and licensing renewals these were unanimously supportive and comments focused on linking as being an efficient way to approach this for both the organisations being inspected, and the Inspectors. Some comments also focussed more generally on licensing and inspection being important in helping raise or maintain standards across the industry.

“We believe that linking inspections to Funeral Director Licence renewals is the most sensible way to proceed and will reduce the administrative and financial burden for both the inspection authority and funeral director businesses.”
[Organisation, funeral director business/organisation]

“In our view, the proposal to link inspections to funeral director license renewals is a logical and commendable step in ensuring the effectiveness of the licensing regime...This approach reinforces the importance of ongoing compliance with industry standards and regulations.”
[Organisation, trade body]

Question 9. Please provide any other comments regarding the proposals for determining the frequency of routine inspections.

Nine (9) respondents provided additional comments related to their response in Question 8.

In response to this question, some participants made additional general comments in response to previous questions in this section (Questions 3, 5, and 7) that were not specifically related to those questions. Where applicable those data have been included here.

Some respondents focussed on the practicalities of the implementation stage of the regime, for example relating to:

- whether the inspection regime would be resourced sufficiently to ensure inspections for initial funeral director licensing would not impact unfairly across the sector,
- how frequency of routine inspections might differ at this stage, and
- how risk profile at this stage would be determined initially.

These comments only focussed on funeral directors and not burial or cremation authorities. Below are illustrative quotations:

"The inspection process suggested for funeral directors remains in the early stages of developing training and quality systems etc, To start this process perhaps annual inspections should be carried out until the company can clearly demonstrate competence and there after once assured that due diligence comes as standard change the frequency of inspection to every third year as suggested."

[Organisational response, cremation authority]

I agree with a 3 year frequency for routine inspections for low risk funeral directors. Low risk would be determined by CONSISTENT good practice and compliance so how would this consistency be measured initially to give a low risk rating?"

[Individual, not employed in the funeral sector]

Other respondents' comments focussed more on the practicalities of ongoing inspection and determining frequency, making points that had not been covered in preceding questions:

"We would like to stress that we do not think low risk should be any less frequent than three-years. We would also welcome inclusion of medium risk at two-years to ensure that some companies do not get inappropriately classed as low simply because it doesn't seem appropriate to class them as high."

[Organisational response, third sector organisation]

“Whenever there is any change of management or ownership this should trigger an unannounced ad-hoc inspection within 6 months, be it whether the purchaser or new management are already license holders...An administrative office would not need as frequent inspection but the need to perform Ad-hoc drop in visits on these locations purely as a method of keeping licensees honest would be pertinent.”

[Organisational response, funeral director business/organisation]

“A suitable period of notice of at least two weeks should be provided for routine inspections to ensure access to files, premises, and employees etc. is available.”

[Organisational response, local government]

“Balance would seem to be the important factor here. Not making the inspection regimen too onerous for either the inspectorate or the operational and often busy funeral directors.”

[Organisational response, funeral director business/organisation]

5.3 Routine inspections of funeral directors: Number of premises inspected

Summary of Information Provided for Questions 10-12

The Scottish Government sought views on the approach to handling routine inspections for funeral director businesses with a large number of premises (e.g. those with more than 10 premises). These questions asked respondents to consider two different suggested approaches to handling the inspection of funeral director businesses with a large number of premises:

- Option A – All premises of large businesses inspected
- Option B – Multi-premises businesses subject to inspections of randomly selected premises

Respondents to Question 10 were asked to select Option A or B, or select ‘neither’ (quantitative data). Questions 11 and 12 asked for further information from respondents.

More information can be found in the consultation paper.

Results

Question 10. Which option presented above [Option A or Option B] do you prefer?

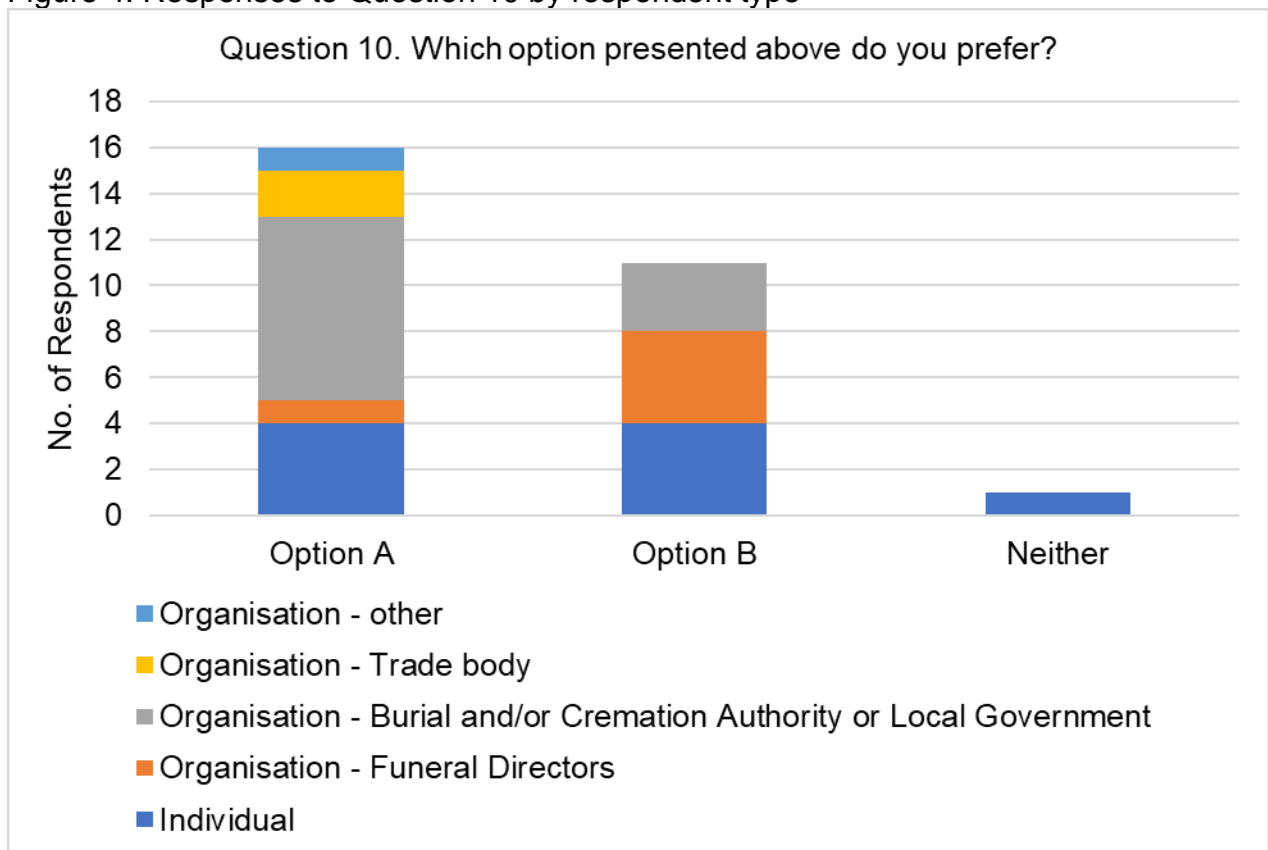
Twenty-eight (28) of the 32 respondents answered this question. Opinion was divided on which option was preferable, with slightly more support for Option A (n=16, 57%) than Option B (n=11, 39%).

Table 5 and Figure 4 (below) show the responses broken down by respondent type (individual or organisational response, and type of organisation).

Table 5. Responses to Question 10 by respondent type

Respondent Type	Option A	Option B	Neither
Individual	4	4	1
Organisation - Funeral Directors	1	4	0
Organisation - Burial and/or Cremation Authority or Local Government	8	3	0
Organisation - Trade body	2	0	0
Organisation – other	1	0	0
All Respondents	16	11	1

Figure 4. Responses to Question 10 by respondent type



Question 11: If Option B is pursued by the Scottish Government, please select the percentage of premises you think should be randomly selected for inspection.

Twenty-six (26) of the 32 respondents answered this question.

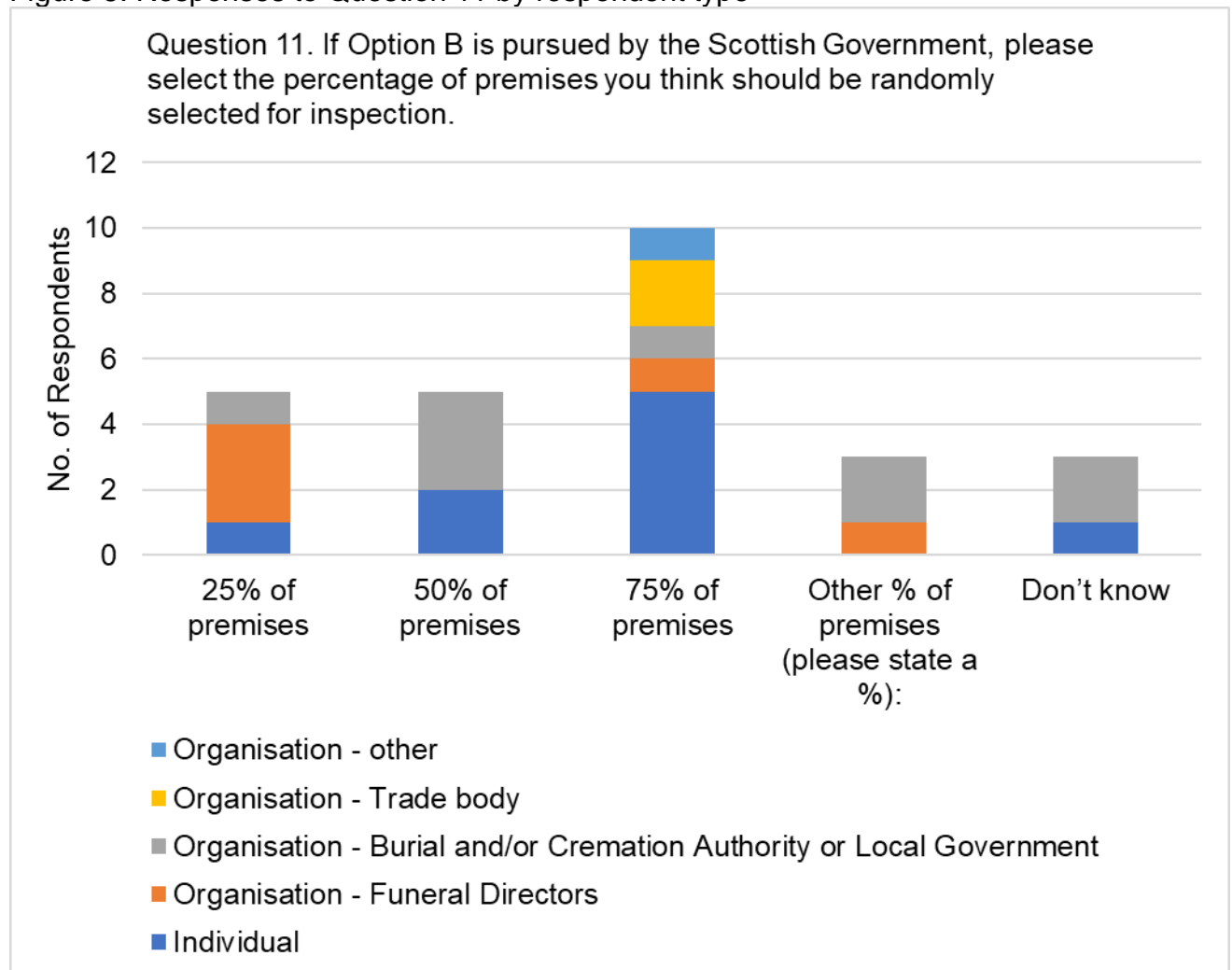
The most frequent response (n=10, 38%) to this question was that '75% of premises' should be randomly selected for inspection. Respondents who selected 'Other' (n=3) were asked to suggest an alternative percentage. Two suggested 100% and one suggested 30-35%.

Table 6 and Figure 5 (below) show the responses broken down by respondent type (individual or organisational response, and type of organisation).

Table 6. Responses to Question 11 by respondent type

Respondent Type	25% of premises	50% of premises	75% of premises	Other % of premises (please state a %):	Don't know
Individual	1	2	5	0	1
Organisation - Funeral Directors	3	0	1	1	0
Organisation - Burial and/or Cremation Authority or Local Government	1	3	1	2	2
Organisation - Trade body	0	0	2	0	0
Organisation – other	0	0	1	0	0
All Respondents	5	5	10	3	3

Figure 5. Responses to Question 11 by respondent type

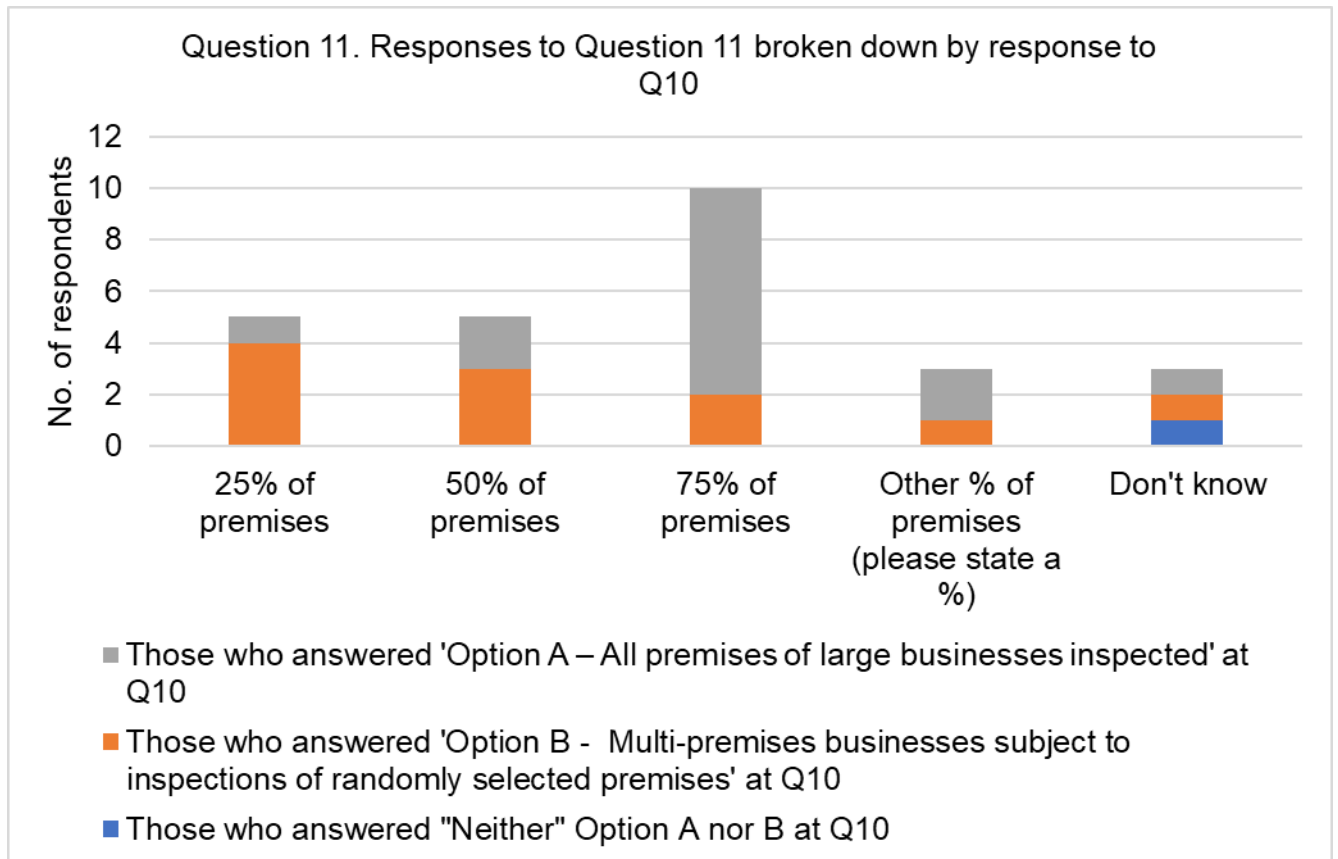


There appeared to be differences in the way this question was answered depending on which option respondents had previously shown a preference for (in Question 10). For those who previously selected Option A ('All premises of large businesses inspected') the majority aligned their answers to Question 11 with as close to Option A as possible i.e. 75% or 'Other %'/'Don't Know' and then using their response in Question 12 (which invited further comment) to reinforce that they felt this should be 100%. In contrast, there was a range of different percentages selected in Question 11 by those who had opted for Option B. Table 7 and Figure 6 (below) show the responses to Question 11 broken down by response to Question 10 (Option A, B or Neither).

Table 7. Responses to Question 11 broken down by response to Q10

Respondent Type (based on Answers to Q10)	25% of premises	50% of premises	75% of premises	Other % of premises	Don't know
Those who answered 'Option A – All premises of large businesses inspected' at Q10	1	2	8	2	1
Those who answered 'Option B - Multi-premises businesses subject to inspections of randomly selected premises' at Q10	4	3	2	1	1
Those who answered "Neither" Option A nor B at Q10	0	0	0	0	1

Figure 6. Responses to Question 11 broken down by response to Q10



Question 12: Please provide reasons for your selection above, and any other comments you wish to make.

Twenty-five (25) respondents offered reasons in Question 12 for their answers in the preceding questions (10 and 11).

As in Question 11 there were differences in the kind of comments made by respondents depending on how they had answered the preceding questions:

Respondents who selected Option A

Fifteen (15) of these 16 respondents answered Question 12. Most of these respondents offered further clarification or reasons for their choice and these have been categorised under three themes:

Theme 1: Fairness

Many of the comments in this group centred on fairness and equality. There was a strong sense from these respondents that any approach that treated larger businesses differently from smaller ones would be unfair.

“equality across the whole industry without potential prejudice”
[Organisational response, local government]

“risks creating a two-tier system”
[Individual, employed in funeral directing]

“It would be outside the bounds of fairness or respect that any larger business should not be inspected 100% just as smaller firms”
[Organisational response, funeral director business/organisation]

“Option A, which involves inspecting all premises of large businesses, is a robust and equitable approach to inspections. It ensures that all premises are subject to inspection, which not only promotes fairness but also provides a high level of assurance to the public.”
[Organisational response, trade body]

Theme 2: Comprehensive approach to Raising/Maintaining standards

Respondents in this group spoke of a comprehensive approach to inspection as important in ensuring high standards within the sector, particularly if there were a number of years between inspection cycles. Several also linked this need to a sense that there was significant variation between different branches of larger funeral directors that would necessitate inspection of all, rather than a proportion, of these.

“Many large providers have premises all over the country...while they may have good practice in some places that is no guarantee of service being delivered of a consistently good standard in all other places.”
[Individual, not employed in the funeral sector]

“There are obviously management controls within a large business which one would assume should offer greater comfort to compliance than a smaller business but with an annual inspection regime highly unlikely and periods of 3-5 years being mooted, to allow random inspection favour to larger firm could mean that a particular site might only be inspected once in 10-15 years or worse, never.”

[Organisational response, funeral director business/organisation]

Theme 3: Public Confidence

Linked to the theme of raising standards, several respondents felt that an overall result of inspecting all premises would be to contribute toward protection of the public, and ensure public confidence in the sector.

“This [inspecting all] provides reassurance to the public that the policy of inspections and licensing is comprehensive and also to funeral directors that all licensed businesses are operating to the same standards.”

[Organisational response, trade body]

“To provide as complete protection as possible for both those who have died and for bereaved people, and thereby to ensure the highest levels of public confidence, it is crucial that all funeral director premises are inspected. While it may seem logical that all branches under the same company follow the same policies, procedures and processes, we know from our frontline experience supporting people struggling with funeral costs that this is not always the case.”

[Organisational response, third sector organisation]

Respondents who selected Option B

Nine (9) of the 11 respondents who selected Option B offered further comment in response to Question 12. Comments tended to centre on Option B offering a balance between what was feasible in terms of resources without affecting standards.

“While the desire to inspect every premises operated by a Funeral Director business is understandable, for companies of the scale of [redacted] the practical reality will likely prove unsustainable for the inspection authority. Random sampling is a legitimate and proportionate approach which is widely followed in other quality assurance settings. Also, larger businesses have robust internal assurance systems and processes which could be tested as part of a sampling process without the need to inspect every site. 25% of premises a statistically significant sample and should provide inspectors with an accurate view of practice across larger businesses.”

[Organisation, funeral director business]

It was felt by some participants that a random approach to selection would result in standards being maintained even in those branches of larger business that were not selected for inspection each time.

“It means all premises have a chance of being inspected, so overall the hope is that it encourages good standards throughout the whole business.”

[Individual, not employed in the funeral sector]

It also appeared to be assumed by some that any premises missed in a given inspection ‘cycle’ would be selected in following inspection cycles.

“50% seems a reasonable compromise to ensure costs and timescales do not become unmanageable. This should result in most premises getting inspected over the course of a few cycles of inspection.”

[Organisation, burial authority]

Additional Suggestions

Across all respondents answering Question 12 there were additional comments and suggestions made.

Remote/Virtual options: Three respondents suggested that incorporating virtual/remote options might be possible for some elements of the inspection process.

Flexible and/or risk-based approach: Six respondents suggested that there might be a more flexible approach to the proportion of premises inspected in larger businesses, perhaps using a risk-based approach comparable to the approach proposed for determining inspection frequency. For example, that certain types of premises might be deemed higher risk than others and this could lead to certain types or premises being prioritised for inspection, or to a higher proportion of that body’s premises being inspected than others:

“Primary importance is any premises where the deceased are stored and taken care of, refrigeration facilities, mortuaries and embalming facilities. I firmly believe all such premises need inspected as these are the areas where most care is provided and so any deficiencies are more likely. Care of the deceased is of primary importance so this would seem only logical.

Smaller branch offices without mortuary, refrigeration, embalming facilities would merit only occasional inspections I would think unless issues have been highlighted in inspections of premises under the same ownership. Some 'inspections' could surely be done remotely where the focus is for example is inspecting process statements, policies, record keeping etc?”

[Organisational response, Funeral director business/organisation]

One respondent suggested the percentage of premises inspected could vary:

“If option B is implemented, we believe there should also be flexibility to extend the percentage and inspect more premises if issues were found in a high number of the premises initially inspected. We would also advocate for a system that allows the risk level of the company to influence the percentage of premises inspected.”

[Organisational response, third sector organisation]

Another respondent suggested that while some premises might be randomly selected others could be selected based on risk factors:

“While we recommend that selection of the premises should be random, specific sites could be included in the 25% total based on any risk factors previously identified or specific complaints received.”

[Organisation, Funeral director business/organisation]

5.4 Equipment and items which may be inspected

Summary of Information Provided for Question 13

In order to check compliance of relevant bodies with minimum standards, inspectors will need to examine equipment and items which provide evidence of compliance or non-compliance. The Scottish Government provided an updated list of equipment and items that may be included in an inspection or investigation and sought views on this list.

More information can be found in the consultation paper.

Results

<p>Question 13: Please provide any comments on the Scottish Government’s proposals related to inspection of equipment and other items by inspectors. (para 105 [of consultation paper])</p>
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Twenty-four (24) respondents answered Question 13 with nineteen (19) of these offering clear agree with the proposals and five (5) making comments that did not reflect whether or not they were in agreement. There were some suggested additions or changes to the proposals and some general feedback.

Suggested additions/changes

Some respondents suggested adding certain items to the proposed list of items to be inspected.

- Chemicals: Some respondents commented that there is no specific mention of inspection of the storage, movement or use of chemicals and felt that this should be included e.g. formaldehyde used in embalming³.
- Other documentation: complaints records (and encouraging businesses to keep good records of complaints and outcomes of these); 'compliance plans'; and specific documents such as Disclosure Scotland certificates or public liability insurance.

Additional comments

- Two respondents representing local authorities highlighted that some items would be held in other departments e.g. in relation to vehicles.
- One respondent asked that future iterations of this list consider using more sensitive language when including the deceased within this list and avoiding the use of "equipment and items".

5.5 Interviews of staff members and clients

Summary of Information Provided for Question 14

The Scottish Government considers it important to the completeness and effectiveness of inspections or investigations that an Inspector is empowered to request or otherwise engage in discussions with members of staff (including third-party contractors) or clients of relevant bodies.

If/when asked for an interview by an Inspector any staff member or client will be free to refuse. The refusal would be anonymously noted in the subsequent inspection report for the purposes of recording that an interview was requested but refused.

More information can be found in the consultation paper.

Results

Question 14: Please provide any comments on the Scottish Government's proposal to provide in regulations powers for Inspectors to interview staff (or third-party contractors) or clients of burial authorities, cremation authorities, or funeral directors.

Twenty-five (25) respondents answered Question 14. Twenty-two (22) were supportive, either straightforwardly so or with caveats or substantiating comments and two (2) raised points that were neither supportive nor unsupportive. Comments have been categorised into three themes:

³ Guidance about the appropriate use of chemicals is issued by the Health and Safety Executive. For example: [SR10 Embalming with formaldehyde solutions \(formalin\)](#).

Theme 1: Ensuring a ‘full picture’

Respondents commented that interviews would allow for inspections to be more comprehensive. Comments suggested that this approach was seen as fair, allowing for inspectors to take account of any clarifications or different points of view.

“Agree with this completely, as then getting full picture of the service provided and feedback from various parties, who may have slightly different viewpoints/experiences.”

[Individual, not employed in funeral sector]

Theme 2: Safeguarding interviewees

Respondents generally welcomed the proposal to conduct interviews and the right for potential interviewees to refuse to be interviewed.

However, several respondents touched on issues related to safeguarding of those interviewed by the inspectors, especially those interviewees who are employed within a business.

Respondents highlighted a need for more detail around processes that would:

- support interviewees to take part
- ensure interviewees have a chance to check the accuracy and interpretation of any comments they make to inspectors
- acknowledge the power dynamics at play (including between government inspectors and interviewees)
- consider interviewee wellbeing, e.g. showing sensitivity toward the kind of emotionally-demanding and high-pressured environment some employees in this sector work in
- ensure interviewees were not identifiable from any information they give, nor repercussions that might occur as a result of the inspection

“More detail is required around how the Government intends to support whistleblowers. It is said in the regulations that no-one will be identified but more detail is required about what that means and how the Government is approaching this issue. For example, if an Inspection report reveals details critical to the running of a business that is likely to only have come from a staff member, and it has only interviewed two staff members, then simply not naming anyone is not the same as ensuring they are unidentifiable/remain anonymous.”

[Organisational response, trade body]

Theme 3: Procedural issues

Some respondents either made suggestions or asked for clarification around certain procedural issues within the proposals. These included:

- A suggestion that observing staff in situ could be used in routine inspections and formal interviews only when investigating a complaint
- A question about how client information would be passed to inspectors while adhering to relevant legislation around data protection
- A request that sufficient notice be given in order to ensure staff to be interviewed are available, and their workloads covered

5.6 Seizure, detention or removal of equipment

Summary of Information Provided for Questions 15-18

The Scottish Government has considered whether Inspectors should have powers to seize, detain, or remove equipment in certain circumstances. The Scottish Government's view is that the range of concerns presented about this proposal in the 2017 inspection consultation and Inspection Regulations Working Group are valid and outweigh risks of allowing authorities or businesses to keep equipment on their premises. The Scottish Government proposes that Inspectors will not have the power to seize, detain or remove equipment.

Instead, the Scottish Government proposes that Inspectors may recommend improvements or, in serious cases, issue an enforcement notice which, to be lifted, requires that faulty equipment be repaired or replaced within an appropriate timeframe.

The Scottish Government also sought views about whether Inspectors should have powers to prohibit use of faulty equipment through the use of an enforcement notice. This would require that the relevant body does not use the equipment until it is repaired or replaced.

More information can be found in the consultation paper.

Results

Question 15: Please provide any views about the Scottish Government's revised proposal to not include in regulation powers for Inspectors to seize, detain, or remove equipment from relevant bodies.

Twenty-six (26) respondents answered Question 15. Of these, 22 were in support of these proposals. Responses were generally short but where additional reasoning was given these tended to centre on seizure, detention and removal being deemed unnecessary and impractical. Of the remaining four responses, two were in direct disagreement with the revised proposal and felt the power to seize or otherwise prevent equipment from being used should be retained, and two comments were not clear whether they supported or disagreed with the revised proposal.

Question 16: Do you agree or disagree that Inspectors should be able to issue an enforcement notice which requires equipment to be repaired or replaced?

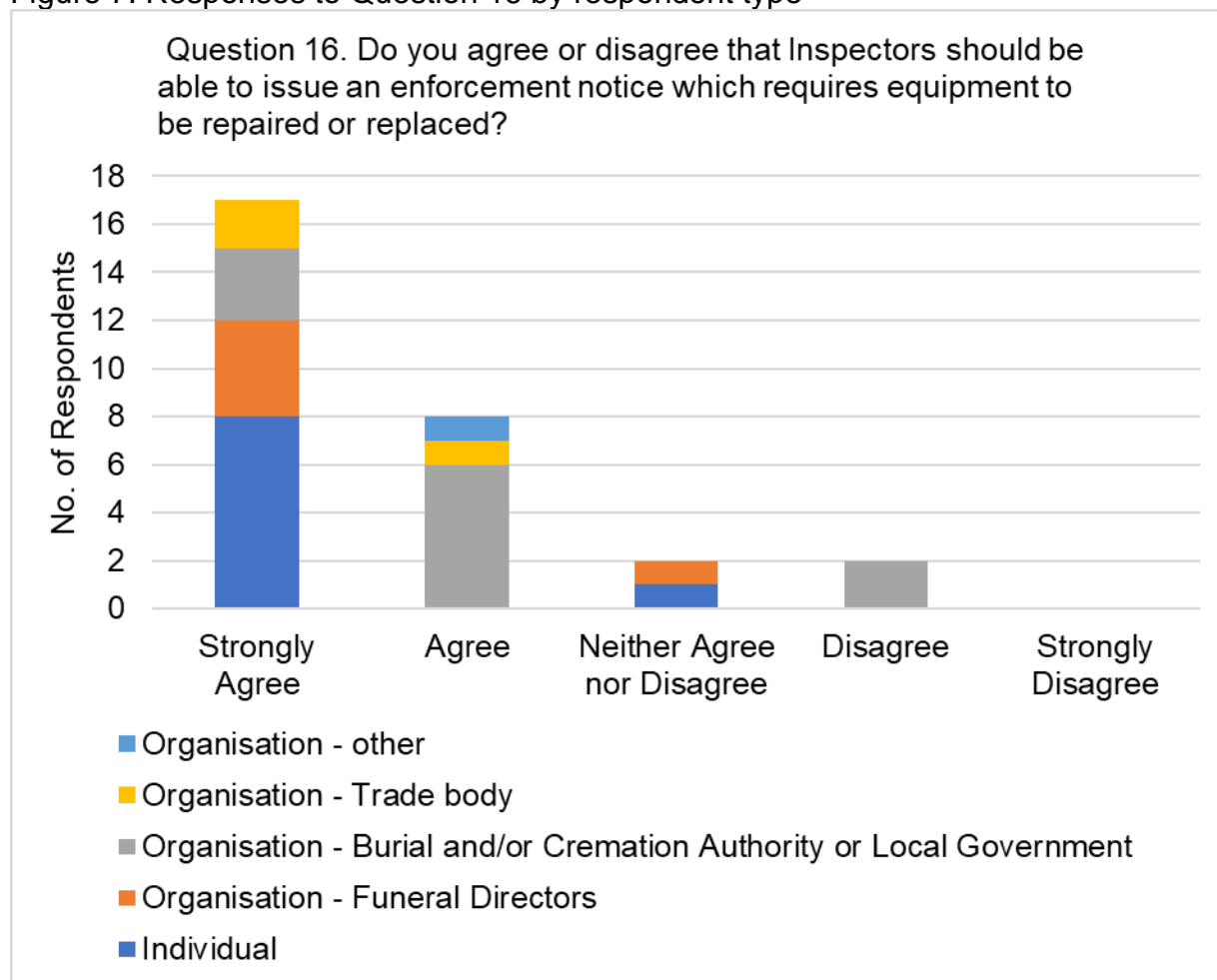
Twenty-nine (29) respondents answered this question. A majority (n=25, 86%) of respondents answered 'Strongly Agree' or 'Agree' that Inspectors should be able to issue an enforcement notice which requires equipment to be repaired or replaced.

Table 8 and Figure 7 (below) show the responses broken down by respondent type (individual or organisational response, and type of organisation).

Table 8. Responses to Question 16 by respondent type

Respondent Type	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Individual	8	0	1	0	0
Organisation - Funeral Directors	4	0	1	0	0
Organisation - Burial and/or Cremation Authority or Local Government	3	6	0	2	0
Organisation - Trade body	2	1	0	0	0
Organisation - other	0	1	0	0	0
All Respondents	17	8	2	2	0

Figure 7. Responses to Question 16 by respondent type



Question 17: Do you agree or disagree that Inspectors should be able to issue an enforcement notice which prohibits a relevant body from using equipment until it is repaired or replaced?

Twenty-nine (29) respondents answered this question. A majority (n=24, 83%) of respondents answered ‘Strongly Agree’ or ‘Agree’ that Inspectors should be able to issue an enforcement notice which prohibits a relevant body from using equipment until it is repaired or replaced.

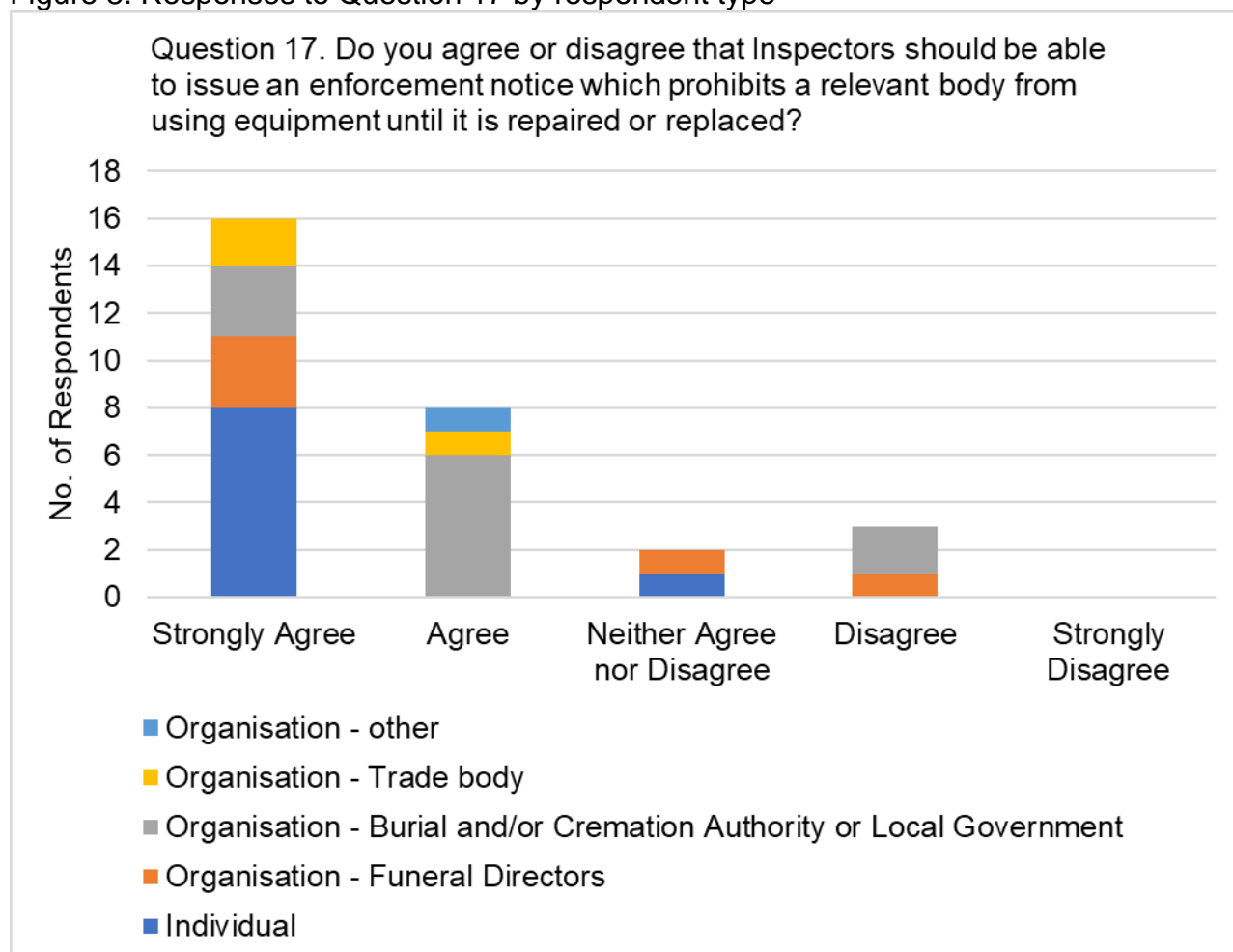
Of the 24 respondents who answered “strongly agree” or “agree” to the previous question (Question 16), all but one of these repeated their response in Question 17 (one answered neither agree not disagree).

Table 9 and Figure 8 (below) show the responses broken down by respondent type (individual or organisational response, and type of organisation).

Table 9. Responses to Question 17 by respondent type

Respondent Type	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Individual	8	0	1	0	0
Organisation - Funeral Directors	3	0	1	1	0
Organisation - Burial and/or Cremation Authority or Local Government	3	6	0	2	0
Organisation - Trade body	2	1	0	0	0
Organisation - other	0	1	0	0	0
All Respondents	16	8	2	3	0

Figure 8. Responses to Question 17 by respondent type



Question 18: Please provide any other comments about the use of enforcement notices to require equipment repairs/replacements or prohibit use of equipment.

Eighteen (18) respondents provided comments in response to this question. Some respondents simply reiterated their agreement with the proposals, others made more specific comments emphasising issues they felt were important to consider in practice.

Some respondents emphasised a need for this level of enforcement to be used with clear rationale:

“Prohibition might be necessary in cases where harm might be caused, staff placed at risk or the dignity of the deceased threatened, and a sanction must be available now that seize and remove has been discounted as an option. However, prohibition must be a last option and the threshold high. A clear description should be issued by the Government laying out what the threshold for prohibition is so that everyone - Inspectors, funeral directors, the public - is aware. A suitable appeals process should be put in place for those who disagree.”

[Organisational response, trade body]

Respondents further suggested a need for:

- inspectors to be trained sufficiently to be able to make judgements about when to use this type of enforcement notice and use these powers appropriately;
- appeals of this decision to be possible; and
- for timeframes to be given in terms of repair/replacement of equipment.

Some participants raised concerns that this power may overlap with existing Health and Safety Executive regulations. Similarly, some participants representing Local Authorities were unsure how this process would fit with their existing policies and procedures. Two respondents, both representing local authorities, having disagreed with both Question 16 and 17, both cited their reason for this answer here as being due to the existence of policies and procedures in their respective local authorities that they felt would cover these issues.

5.7 Inspection reports

Summary of Information Provided for Questions 19-20

During an inspection of a cremation authority, burial authority or funeral director business Inspectors will assess performance against (where relevant) the standards set out in the 2016 Act, regulations, Codes of Practice, and conditions of licence. The Scottish Government set out in the consultation that it is intended that Inspectors will have a duty to produce a written report after each inspection (under powers provided in Section 90(3)(d) of the 2016 Act).

As also set out in the consultation, it is intended that the inspection reports will follow a predetermined template. It is not intended that inspection reports will have a grading or marking system (e.g. pass/fail). Instead, the report will set out the Inspector's findings from the visit, in particular where there are any compliance issues.

Once drafted, the Scottish Government proposes that draft inspection reports will be sent to the inspected business or authority who will have an opportunity to respond on the factual content of the report. The Scottish Government proposes that responses would be required within 14 calendar days from date of issue of the report.

More information can be found in the consultation paper.

Results

Question 19: Please provide your views about whether 14 days is an appropriate timescale to require a response to the inspection report.

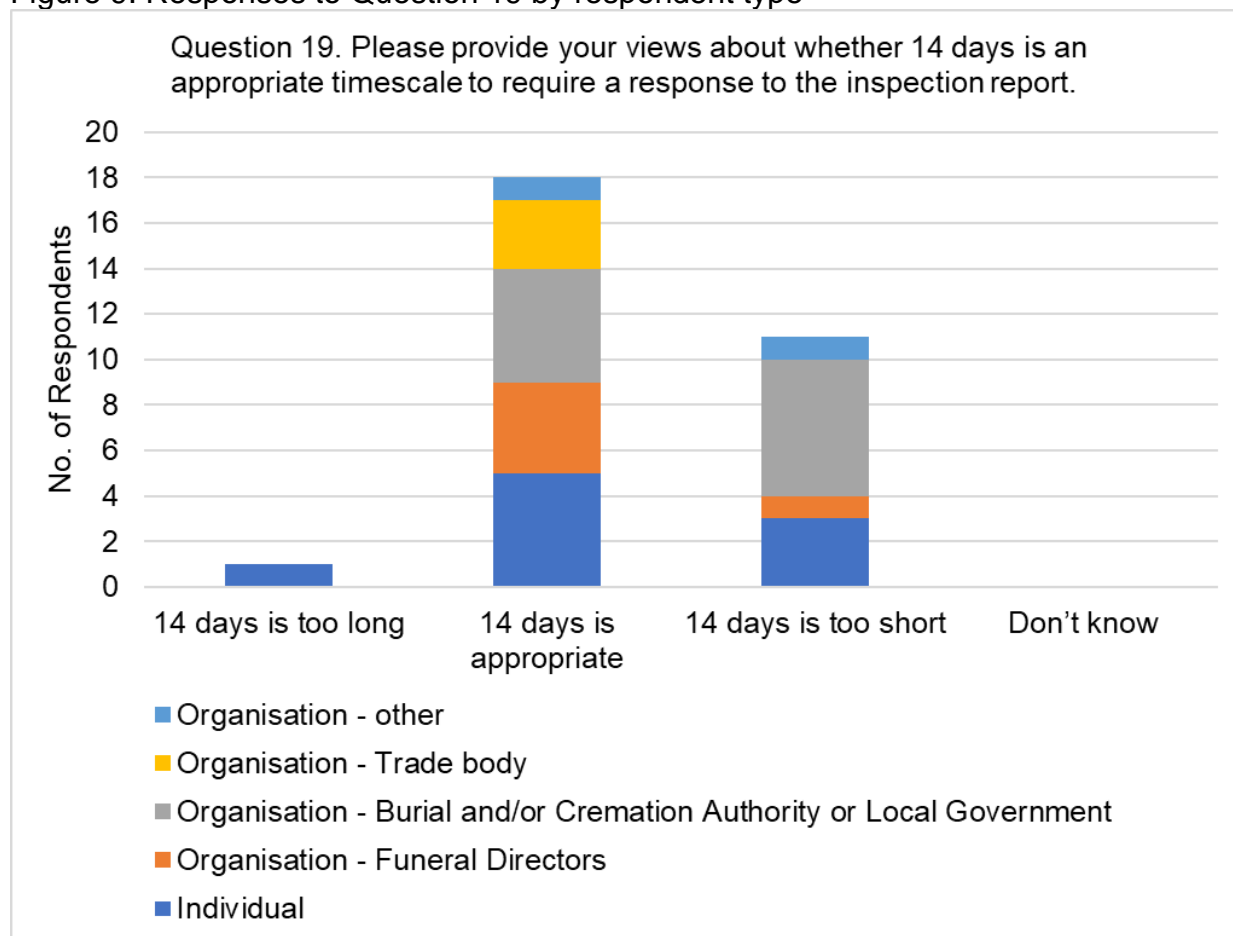
Thirty (30) respondents answered this question. Over half (n=18, 60%) were in agreement that '14 days is appropriate' timescale to require a response to the inspection report.

Table 10 and Figure 9 (below) show the responses broken down by respondent type (individual or organisational response, and type of organisation).

Table 10. Responses to Question 19 by respondent type

Respondent Type	14 days is too long	14 days is appropriate	14 days is too short	Don't know
Individual	1	5	3	0
Organisation – Funeral Directors	0	4	1	0
Organisation – Burial and/or Cremation Authority or Local Government	0	5	6	0
Organisation – Trade body	0	3	0	0
Organisation – other	0	1	1	0
All Respondents	1	18	11	0

Figure 9. Responses to Question 19 by respondent type



Question 20: Please provide any other views about the proposed approach to inspection reports.

Twenty-four (24) respondents offered comments in response to Question 20. The majority of respondents used this space to further elaborate on, or reinforce their answer to Question 19. Others provided general comments.

Respondents who answered with reference to the proposed 14-day timescale

Eighteen (18) respondents referenced the specific timescale in their open-ended comments. Those who felt that 14 days was an appropriate timeframe suggested they felt this way because 14 days allowed sufficient leeway for business needs (e.g. staff absence), but two (2) respondents suggested there should be an element of flexibility for exceptional circumstances. Two respondents commented that they felt a timeframe for inspector report drafting and publication should also be stipulated. Those respondents who felt that 14 days was too short a period suggested alternative timeframes up to 30 days. Some qualified this with reasons around accommodating smaller organisations and allowing for availability of specialist staff who may be responsible for this response. The respondent who answered that 14 days was “too long” in Question 19 did not provide further comment.

General feedback

Several comments offered general support for the proposals related to inspection reports, and some made other suggestions or asked for clarification.

- There were supportive comments around publication of the report, in particular how this would support an improvement approach and improve transparency for the public.
- Some respondents asked for clarification on whether organisation responses to reports would also be published; some suggested this should be the case.
- Some respondents felt there needed to be clarity around a strategy for publication to ensure fairness across the sector as it transitions from being unregulated i.e., that those inspected first, and reports published first, could be disadvantaged. Some suggested that a phase-in approach to publication might be helpful as the sector adjusts.

5.8 Enforcement notices

Summary of Information Provided for Questions 21-23

The Scottish Government intends that the proposed inspection regulations should provide powers for Inspectors to issue 'enforcement notices' on relevant bodies. This is a legal notice that must be complied with.

It is intended that enforcement notices will be made public to ensure that bereaved people planning to engage a relevant body are aware of their non-compliance with set standards. As set out in the consultation, it is intended that the enforcement notice will be physically posted at the relevant premises and a notice will be posted on the relevant webpage of the Scottish Government website.

More information can be found in the consultation paper.

Results

Question 21: Please provide comments on the proposed content of enforcement notices.

Twenty-two (22) respondents offered feedback in response to Question 21. Sixteen (16) of these were in broad agreement with the proposed content. Of those in broad agreement, some made suggestions for additions to the content of enforcement notices, or caveated their agreement. Six (6) respondents were less clear in terms of their support, or lack of, focussing on specific points of feedback or suggestions. Comments related to the proposed content of enforcement notices are summarised here, comments related to broader feedback on enforcement notices have been summarised in Question 23 using data from Questions 21-23.

Additions to content of enforcement notices

Some respondents suggested additions to the proposed content of enforcement notices:

- Name and address of those the enforcement notice is issued to
- Contact information for members of the public who are seeking more information, including support if they have engaged the services of the organisation involved.
- A website address for any online version should be included in the written copies.
- “The proposed content of enforcement notices should include clear identification of areas of concern, factual evidence, specific timeframes for resolution, expectations for an evidence-based response, and follow-up inspections.” [Organisational response, trade body]

Question 22: Please provide comments on the proposed approach to lifting enforcement notices.

Nineteen (19) respondents commented in response to Question 22, with 12 simply stating their support for the proposals. Of the remaining respondents, most appeared supportive but noted more detail was required on one main issue – clarity on timescales.

Several respondents highlighted a need for clarity on timescales involved in lifting of an enforcement notice and how inspector availability might affect this even if an organisation has submitted evidence of compliance. Some respondents felt that maximum time periods should be stipulated for time between submitting evidence, re-inspection and lifting of a notice.

On a related issue one respondent asked for clarity around how lifting of notices would be communicated to the public.

Question 23: Please provide any other comments on the Scottish Government’s maintained proposal to provide in regulations power for Inspectors to issue enforcement notices.

Four (4) respondents provided comments to Question 23. In addition, several responses to Question 21 and 22 provided comments which are better suited to reporting under this question, and are therefore included here.

There was majority support for the proposals, with some respondents making suggestions or caveats to their agreement. One respondent (representing a burial authority) was in clear opposition to the use of enforcement notices and suggested this was unnecessary and overly bureaucratic.

Comments were categorised in two themes:

Theme 1: Practicalities of the enforcement notice

Some respondents raised specific queries or points about the detail of how the enforcement notice process might be put into practice. These included:

- Comments about how enforcement notices would be applied to businesses with multiple premises. There were mixed views on how this should be applied and who should display an enforcement notice.
- A request that communications intended for the public are in clear language with any legal language fully explained.
- That enforcement notices should be considered only as a last resort.
- That enforcement notices should be sent by email as well as post.
- That there should be consideration of where enforcement notices were displayed e.g. online on organisation websites, at multiple sites or premises of the same business, or premises that use the services of the premises being issued the notice

Regarding the final bullet point above, the issue of displaying an enforcement notice at other premises which might use the services of the premises under enforcement is illustrated in this quotation:

“Where a premises of a multi-premises business has an enforcement notice issued against it relating to a service that is used by one or more other premises, it is important that the notice is physically displayed at all those premises, and on all their individual websites and online platforms where they exist. For example, premises A is used by premises B-D for body storage. Premises A receives an enforcement notice relating to their body storage. Premises B-D should also have to display the notice. This could also be the case if the enforcement notice related to one specific operative’s conduct and that operative worked across different premises. This should also apply where funeral director A is used by funeral director B to provide some of its services and funeral director A is issued an enforcement notice relating to those services. It is then crucial that funeral director B also must display the enforcement notice in some form.”

[Organisation, third sector]

Theme 2: Impact on public and bereaved

Respondents raised some concerns that the use of enforcement notices might impact upon those who have been bereaved and asked for clarity on how that might be managed. Respondents suggested this impact might be in the immediate short term if (a) they are currently engaging the services of an organisation who have been issued with an enforcement notice, or (b) they have previously engaged the services of an organisation and are concerned about the organisation’s practice in the past as a result of this current notice. Similarly, if affected organisations are in rural or remote areas, how the impact on service provision in the area might be managed.

5.9 Suspension notices for burial authorities and cremation authorities

Summary of Information Provided for Questions 24-28

Where an inspector identifies serious non-compliance, or where actions are not being progressed in line with an enforcement notice, the 2016 Act provides for regulation-making powers for inspectors to make recommendations to Scottish Ministers to suspend all or part of the operation of activities of a burial authority or cremation authority. The Scottish Government intends to use this power within the proposed inspection regulations, as a 'last resort' enforcement measure where there is evidence of serious or repeated non-compliance and a refusal to address non-compliance issues.

The consultation noted that this section only applied to burial authorities and cremation authorities; not funeral director businesses. This is because, while enforcement notices could be issued against funeral director businesses, if the proposed licensing regime is implemented under section 95 of the 2016 Act, enforcement escalation could lead to the suspension or revocation of funeral director businesses' licences. Therefore, for the purposes of public consultation, the suspension or revocation of funeral director licences was dealt with in the [consultation on licensing](#)).

More information can be found in the inspection consultation paper.

Results

NB: Some respondents offered comments in response to Questions 24-27 that were not specifically related to the question and made broader points about the proposals, some of these were reiterated in response to each question. Where relevant to suspension notices more generally these data have been used to inform the summary under Question 28 instead of in each individual question.

Question 24: Please provide any views on the proposed content of suspension notices.

There were sixteen (16) responses to question 24 but almost all of these were straightforward comments in agreement with the proposals. General comments or repeated points are summarised in Question 28.

Question 25: Please provide any views on the proposed process of issuing suspension notices.

There were seventeen (17) responses to Question 25 but, as with Question 24, the majority of these were simple statements of agreement with the proposals. General comments or repeated points are summarised in Question 28.

Question 26: Please provide any views on whether there should be an opportunity for the authority to make an oral representation to Scottish Ministers or a representative of Scottish Ministers before Ministers make their decision whether to issue a suspension notice.

There were sixteen (16) responses to Question 26 but, as with Questions 24 and 25, the majority of these were simple statements of agreement with the proposals. General comments or repeated points are summarised in Question 28.

Some of the responses to Question 26 offered qualification that this would be a fair and helpful process to allow. One respondent raised concerns that this would further lengthen a process that could impact negatively on the bereaved, and suggested oral representation should only occur if requested by Ministers. One respondent stated that they disagreed with this proposal, but this appeared to relate to disagreement with Scottish Ministers making the decision rather than Inspectors, as opposed to disagreement with opportunities for oral representation.

Question 27: Please provide any views on the proposed process for lifting a suspension notice.

There were eighteen (18) responses to Question 27 but, as with Questions 24 to 26, the majority of these were simple statements of agreement with the proposals. General comments or repeated points are summarised in Question 28.

There were some substantive comments focussed on timing of the process with some respondents emphasising a need for the process to be managed efficiently in order to respond quickly once an organisation has satisfied the criteria for the suspension to be lifted, and for estimations of timescale to be given to the affected organisation.

Question 28: Please provide any other views on the Scottish Government's proposals for suspension notices for burial authorities and cremation authorities.

Fifteen (15) respondents provided additional comments in response to Question 28. As noted above, these will be summarised here alongside comments that were made throughout this section on Suspension Notices (Questions 24-27).

Some of the comments made in Section 5.9 (Suspension Notices) reflected similar issues made in Section 5.8 (Enforcement Notices). As a result, these comments have been categorised into two themes similar to those used in Section 5.8 above:

Theme 1: Procedural issues and practicalities

Several comments related to practical issues that respondents felt they needed more clarity on, or related to concerns they had about how suspension notices would work in practice.

- Local authority processes: One respondent representing a local authority burial authority had particular concerns about overlap with existing processes within local authorities.
- Trade body involvement – One trade body suggested that consultation with relevant trade bodies during the process of suspension would add valuable insight and support.
- Informing clients – Some participants made comments about who should be informed about suspensions, and felt that this should be clear about it relating to other businesses/organisations working with the organisation under suspension as well as members of the public engaging their services.
- Timescale clarity – Respondents requested clarity on potential timescales, especially in terms of the process for lifting suspensions.

Theme 2: Impact on the bereaved and service provision

Several respondents raised concerns about broader impacts that suspension notices could have and expressed that this should mean suspension (and enforcement) notices should only be used when absolutely necessary (or as a 'last resort'). These comments tended to focus on the possible impact on the bereaved and/or on impact on service provision. This included knock-on effects suspension (and enforcement) notices might have on other services or on communities where there were few other service options, such as in rural and remote areas. Additionally, some respondents expressed opposition to the use of suspension notices being used with burial and cremation authorities. Illustrative quotes for these points are provided below:

“Suspensions would be extremely disruptive and distressing to the bereaved, and they should, therefore, only be used as a last resort.”
[Organisational response, Faith-based/religious organisation]

“Inspectors should consider that the first round of inspections has the possibility of highlighting significant issues across multiple burial authorities and cremation authorities i.e. while suspension of one authority may allow for capacity/demand to be met by neighbouring authority, multiple suspensions could create demand that cannot be met by remaining operational authorities.”
[Organisational response, local government]

“The critical nature within the death management process of burial and cremation authorities must not be underestimated. In many instances there may only be one cemetery or crematorium that is convenient and appropriate for a particular funeral. These facilities are often also fully committed to facilitating funerals many weeks in advance. Because of this, we would be extremely hesitant to support the use of suspension notices which had any immediate effect in all but cases where there was a real, present and immediate risk of injury or harm ... We therefore believe that if suspension notices are to be used they should not have immediate effect and instead should relate to new commitments (i.e. the relevant authorities should be able to meet all existing commitments but not take on new ones from the date of any suspension). They [suspension notices] also need to be widely communicated to local communities and others in the death management system to ensure widespread knowledge and understanding of the circumstances. Finally, we believe that suspending the activity of any aspect of the death management system should only be implemented as a last resort and only in the most serious of circumstances.”

[Organisational response, Funeral director business/organisation]

“Given our remote location and that there is only one burial authority and one funeral director currently operating on [island community], any suspension decision could be catastrophic here.”

[Organisational response, burial authority]

5.10 Reviews and appeals

Summary of Information Provided for Questions 29-30

The Scottish Government is mindful that a robust appeals process is an important component of the proposed inspection regime. Ensuring there are opportunities for authorities or businesses to appeal decisions by Inspectors or Ministers is crucial for ensuring there are checks-and-balances to the regime, and these bodies have access to due justice. This is particularly important given the potential impact that certain decisions may have on an authority or business’s ability to operate successfully – both in terms of serving their clients, and to providing a livelihood for themselves.

The Scottish Government intends that a relevant body be empowered in the regulations to appeal a decision by an Inspector or Scottish Ministers. This includes a decision by an Inspector to issue an enforcement notice on any of those bodies. It would also include, for example, a decision by Scottish Ministers to (a) issue a suspension notice on to a burial authority or cremation authority, (b) suspend or revoke the licence of a funeral director business.

More information can be found in the consultation paper.

Results

Question 29: Please provide any views on the appeal process for decisions made by Inspectors.

Twenty-two (22) respondents provided comments in response to Question 29. Twenty-one (21) of these were broadly supportive of the proposed appeal process, and one response neither clearly supportive nor unsupportive.

Most of the responses offered brief, straightforward statements of support. Some also offered caveats to their agreement or provided additional comments. These are summarised below:

- **Timescale clarity:** Comments were received about needing clarity on the timeframe of appeal decisions, and concerns that a protracted process would have negative impacts on businesses, service provision and bereaved people. One respondent raised particular concerns that a protracted process could mean a business could continue operating without complying with an enforcement or suspension notice while this process was underway. As seen elsewhere in this consultation analysis, there were suggestions that specific timeframes should be set for decisions from inspectors and Scottish Ministers (noting that timeframes for action to be taken by relevant bodies in response to enforcement or suspension notices will be set).
- **Senior inspector review:** One participant suggested that a senior inspector review of an enforcement notice should occur automatically and not on request from the relevant body.

Question 30: Please provide any views on the appeal process for decisions made by Scottish Ministers.

Twenty-one (21) respondents provided comments in response to Question 30. Eighteen (18) of these were broadly supportive of the proposed appeal process, with three (3) responses neither clearly supportive nor unsupportive.

Overall, most of the comments offered brief, straightforward statements of support for the appeal process for decisions made by Scottish Ministers. Some also offered caveats to their agreement or provided additional comments.

Some comments reflected similar themes that have been identified in previous sections. For example, respondents made points regarding timescales and the impact a protracted process could have which were similar to comments received in response to Question 29 above.

Comments which made points specific to Question 30 included:

- One participant supported appeals being escalated to the Sheriff Court in the case of suspension notice appeals. However they did not support escalation in the case of enforcement notices; they questioned whether this was necessary.
- One participant suggested that access to advice prior to appeal would be helpful for those considering this route so they can fully understand the process involved.

5.11 Complaints

Summary of Information Provided for Question 31

Complaints from the public or clients may be lodged about a relevant body. For example, existing Inspectors receive complaints about a range of issues including equipment, staffing, storage capacity, family disputes, allegations regarding poor practices and other issues.

It is intended that in the proposed inspection regulations, Inspectors will have the power to investigate complaints and may impose sanctions in relation to such investigations. It is intended that complainants will be able to submit their complaints electronically (i.e. via an online form or email), or by post. Complaints would then be distributed to an Inspector for assessment and investigation.

More information can be found in the consultation paper.

Results

Question 31: Please provide any comments on the proposed approach to complaints.

Twenty-three (23) respondents offered comments in response to Question 31. The majority of these (15 respondents) offered straightforward agreement with the proposals while others offered caveated agreement or made other comments. Some of these caveated points reflected comments made elsewhere in the consultation response. They have been categorised here into two themes:

Theme 1: Coherence with existing complaints processes

- Some respondents requested clarity on how the proposed complaints process would fit with existing complaints processes in local authority burial authorities (which can involve ombudsman referral). There was concern that there would be duplication of processes, and resultant confusion for the public.
- Similar issues were raised related to complaints processes in place in trade bodies for their members.

Theme 2: Practicalities of complaints process

- One respondent expressed that a process for compensation and ombudsman referral should be included in the complaints process.
- One respondent highlighted a need to ensure the complaints process was accessible to all. As such, they recommended including an option for people to lodge a complaint via telephone. In addition, they suggested the process should include an opportunity for the complainant to be able to challenge a decision made in response to a complaint.
- One respondent asked for timeframes to be clear in the complaints process. While this was only raised by one respondent in this question it reflects other comments made across the consultation responses.

5.12 Any other comments

Results

Question 32: Please provide any additional views or comments you may have on the proposed statutory inspection regime.

Thirteen (13) of the 32 respondents responded to Question 32. Approximately half of these comments were generally supportive of the inspection regime or repeated points made previously by the respondent to other questions in the consultation. The remaining comments provided new points, which are summarised below:

- Two respondents made comments related to the need for the regime to be well resourced, and for inspectors to be trained and experienced in working with sensitive issues like bereavement.
- Two respondents raised concerns that the additional administration for relevant bodies would require additional resourcing and is burdensome, which could have a greater impact on smaller organisations.
- One respondent sought clarity on how the condition of burial grounds would be monitored.
- One respondent expressed that Scottish Ministers are not the appropriate body to administer the inspection regime and that, in their view, a body with more independence and sector-specific knowledge should be used.

6. Next Steps

Following this analysis of the consultation responses, the Scottish Government will further consider the proposals for the intended inspection regime in its development of inspection regulations. The results of this analysis will also be reviewed in conjunction with the responses received to the other three public consultations which were published in Autumn 2023.

The Scottish Government recognises that an inspection regime would introduce new requirements for the funeral sector to operate in Scotland, and that there remain important considerations for what implications this may have on the sector and the public. A full set of impact assessment screenings will be undertaken – and where appropriate full impact assessments will be completed - in parallel with the development of the draft inspection regulations. These will include development of thinking regarding the costs and benefits to relevant bodies in the funeral sector and to the public.

The intention is to develop the regulations with a view to laying them in the Scottish Parliament in time to align with the coming into force of the Funeral Director Code of Practice. It is noted that the Code is currently in a year-long grace period that was put in place to allow funeral directors to attain compliance before it comes into force on 1 March 2025. This was an accelerated timescale from the 18-month grace period originally proposed in the Code's public consultation, however it complies with the Scottish Government's Better Regulation agenda to allow businesses proportionate and appropriate opportunities to achieve full compliance with new regulatory requirements.

The Scottish Government is working at pace to fulfil the above intention, subject to parliamentary processes and approval. Further, the Scottish Government continues to progress work on how the proposed inspection regime would be brought into operation, including consideration of any new digital platforms, policies and procedures needed.



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