

Senior Inspector of Burial, Cremation and Funeral Directors: Annual Report

October 2021 - September 2022

Introduction

1. This report has been compiled by Robert Swanson, QPM., Senior Inspector of Burial, Cremation and Funeral Directors, in accordance with the requirement of Section 93 of the Burial and Cremation (Scotland) Act 2016, to provide Scottish Ministers with a resume of duties undertaken during the 12 month period since the publication of the preceding annual report.
2. The report provides a brief background on the role, a resume of significant changes concerning the Covid-19 pandemic since the date of the last report, a summary of duties performed, and an anonymised summary of enquiries / complaints reported to the Senior Inspector during the period of this report.

Brief Background / Timeline

3. Robert Swanson QPM was first appointed to the post of Inspector of Crematoria in March 2015, following a recommendation in the Report of the Infant Commission headed by Lord Bonomy into historic practices concerning the cremation of babies at Mortonhall Crematorium, Edinburgh.
4. Since that time, and as a result of a decision by Scottish Ministers to regulate and license funeral directors, the new post of Senior Inspector of Burial, Cremation and Funeral Directors was created with effect from 1st October 2020.
5. Mr Swanson was appointed to the new post from that date, (replacing the previous post he held), on a 3 year contract, expiring on 30th September 2023.
6. On 1st December 2020, Professor Gordon Findlater, current HM Inspector of Anatomy, was appointed to a parallel post as Inspector of Burial, Cremation and Funeral Directors on a part time basis.
7. Further appointments of Inspectors are expected in the near future, as part of the broader efforts to regulate the funeral sector, including the development of a small Scottish Government Inspectorate.

Covid-19 Pandemic

8. Since the date of the last report all Covid-19 rules and restrictions have been lifted in Scotland, with the last of these, listed below, being of particular relevance to the funeral industry:
 - a) the ending of the legal requirement on businesses and service providers to retain customer contact details:
 - b) the legal requirement for businesses, places of worship and service providers to have regard to Scottish Government guidance on Covid-19, and to take reasonable practical measures set out in the guidance:
 - c) the legal requirement to wear a face covering in places of worship and at marriage ceremonies and civil partnership registrations, funeral services and commemorative events such as a memorial service, and finally:
 - d) the wider regulatory requirements in relation to the wearing of face coverings.
9. Covid-19, however, has not gone away and as at 28th August 2022, there have been a total of 15,592 deaths registered in Scotland since March 2020 where Covid-19 was mentioned on the death certificate.
10. That is an increase of 5,038 from 29th August 2021.
11. Whilst the number of weekly deaths recorded under that criteria continues to decrease, Covid-19 has not been eliminated, and there were a total of 41 deaths where Covid-19 was mentioned registered in Scotland for the week ending 28th August 2022.
12. Since the easing of restrictions it has been noted that most within the funeral industry continue to adhere to the Scottish Government [Coronavirus \(COVID-19\) Safer Workplaces and Public Settings Guidance](#), last updated on 15th August 2022.

Duties Performed

13. As stated in the last report, the intention was to resume annual inspections of crematoria, subject to pandemic restrictions, and the Senior Inspector is pleased to announce that a total of 23 inspections have been completed during the period of this report, with the remainder planned to be inspected by December 2022.
14. At present there are 33 crematoria in Scotland, an increase of 6 since the Senior Inspector was first appointed in 2015.
15. During the past year two new privately operated crematoria have opened, the Hurler (Glasgow) in October 2021, and Brewsterwells (St Andrews) in June 2022.
16. The Senior Inspector is aware of a number of other (new privately operated) crematoria with planning applications pending.
17. The findings from the inspections, and liaison with those crematoria still to be inspected, confirms that there continues to be 100% recovery of ashes from all cremations.
18. Some of the notable changes to crematoria include the installation of improved audio and visual equipment, nearly all now have a defibrillator on-site with staff trained in its use, metal extracts are (with the consent of the applicant) re-cycled at almost all, and quite a number have updated and improved facilities within the crematory for staff and attendees.
19. Dealing with the pandemic has resulted in changes to working practices, with more staff now trained to various levels as a back-up in the event of staff shortages. Crematoria now receive the majority of application forms electronically, and quite a number have the capability for office staff to work from home.
20. Whilst a number of crematoria staff and funeral directors have been absent with Covid-19, the numbers and timings have been such that none of these premises or businesses have had to temporarily close.
21. Throughout the period of this report the Senior Inspector has worked closely with stakeholders within the funeral industry, particularly:

- The National Association of Funeral Directors (NAFD),
- The National Society of Allied and Independent Funeral Directors (SAIF),
- The Federation of Burial and Cremation Authorities (FBCA),
- The Institute of Cemetery and Crematorium Management (ICCM),
- The Scottish Bereavement Benchmarking Group (SBBG).

and served on a number of working groups including:

- The Additional Deaths Oversight Group (ADOG)
- The National Mass Fatalities Group (NMFG),
- The Scottish Government Funeral Director Licensing Working Group,
- The Scottish Government Burial Regulations Working Group, and
- the Crematoria Guidance National Group

as well as communicating with a number of other agencies including:

- Golden Charter (Funeral Plan Provider),
- Independent Funeral Standards Organisation (IFSO),
- Police Scotland,
- Crown Office and Procurator Fiscal Service (COPFS)
- Scottish Environment Protection Agency (SEPA),
- The Competition and Markets Authority (CMA),
- The Financial Conduct Authority (FCA) and
- The UK Government Ministry of Justice (MOJ),

all in respect of particular enquiries.

Enquiries / Complaints

22. The following is an anonymised summary of a selection of the various complaints and enquiries submitted to the Senior Inspector during the period of this report.

- An allegation that a funeral director collected a deceased from a hospital mortuary when not authorised by applicant to do so.
- Misidentification of deceased resulting in wrong deceased being uplifted from premises.
- A lack of care of the deceased throughout the period whilst in the care of a funeral director.

- Alleged fraudulent claim to have legal entitlement to make funeral arrangements and possession of the deceased's property and belongings.
- Alleged racist, bigoted, disrespectful and insensitive conduct by a funeral director.
- Dispute over the identity of ashes dispersed by a funeral director.
- False claims by a funeral director concerning a newly opened branch of a rival funeral director.
- Internment of ashes by a funeral director without the authority of the burial authority.
- Family disputes including close relatives not being informed of funeral, dispute over legal entitlement to make application, and dispute over legal entitlement to ashes.
- Several enquiries regarding exhumation of ashes.
- Headstone wrongly positioned resulting in ashes interred in wrong grave.
- Clerical error resulting in a coffin momentarily lowered into wrong lair.
- Inaccurate dimensions of coffin given to crematorium resulted in a delayed cremation.
- Several enquiries concerning rules about funeral plans.
- Pregnancy loss – a number of enquiries concerning procedures and documentation required, including early termination at home and in a private clinic, and a request for multiple interment for historic ashes from pregnancy loss from extended family members.
- Private burials – several enquiries regarding documentation required.
- Several instances of suspected prohibited items left in coffin (mainly glass).

- Request for babies blanket to be removed from coffin whilst in crematorium (after service).
 - Presence of pacemaker only made known during service in crematorium.
 - Historic records at private churchyard not located and grave when opened for further family member interment found to be empty (later established family had purchased 2 lairs side by side) and all in order.
 - Repatriation queries including transfer of Covid death to Poland, and documentation and procedures for ashes brought into Scotland from New Zealand.
 - Bones located on riverbank, later identified and returned to water as part of religious ceremony.
 - Direct cremation which should have been attended, carried out in error before the attendees arrived.
 - Crematorium staff expressed concern regarding a request for an open coffin service for religious reasons during peak of Covid-19 pandemic.
 - Allegation that application form for cremation was signed by someone other than the applicant.
 - Enquiries regarding mortuary standards (following high profile criminal case in England).
23. Whilst the powers of the Inspectors are limited at present the cause and outcome of all enquiries and complaints have been addressed, with steps taken to minimise the likelihood of a recurrence where appropriate.
24. Matters of relevance to other agencies and stakeholders were, where permitted, shared with them.
25. The majority of these enquiries and complaints have been completed by the Senior Inspector, however it is known that a

number are still subject of further consideration by others, including civil action.

The Future

26. The funeral industry in Scotland is prepared and welcomes measures being finalised in respect of the forthcoming mandatory requirements in the Funeral Director Code of Practice, the Burial Regulations, the licensing of funeral directors, and the appointment of additional Inspectors of Burial, Cremation and Funeral Directors.
27. At this moment in time there is understandably uncertainty within the industry as regards how the current cost of living and energy crisis will impact on the services provided.
28. Over the coming year it is the intention of the Senior Inspector to continue to carry out the annual inspection of all crematoria in Scotland, and preliminary inspections of any new crematorium nearing completion.
29. In addition it is intended to continue to assist in the development of an inspection programme and licensing scheme for funeral directors, to assist in the development of an inspection programme for burial authorities and burial grounds, and to ensure enquiries and complaints are dealt with timeously.
30. In closing the Senior Inspector would like to record his appreciation and thanks for the assistance and co-operation afforded to him throughout what has been a very difficult and demanding year for so many.

Respectfully Submitted

Robert Swanson QPM
Senior Inspector of Burial, Cremation and Funeral Directors.

October 2022.



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