

# **National Committee on Infant Cremation**

**2016 Annual Report**

**May 2017**



**Scottish Government**  
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## 1. BACKGROUND

The establishment of a standing National Committee on Infant Cremation was a key recommendation of the Rt Hon. Lord Bonyon's *Report of the Infant Cremation Commission*<sup>1</sup> ('Bonyon Report'; 'Bonyon Recommendations'), which was published on June 17, 2014.

On the same day, the then Minister for Public Health, Mr Michael Matheson, made a formal statement to Parliament in which he accepted all 64 Bonyon recommendations, including - as a priority - the formation of the National Committee.

The National Committee's main aims and objectives are set out in Recommendations 57 to 62 of the Bonyon Report, and can be summarised as:

- Develop, promote and annually review a Code of Practice on baby and infant cremations which reflects contemporary standards and best practice.
- Ensure all recommendations from the Infant Cremation Commission are implemented, through a combination of strategic oversight, monitoring and also through direct tasks which will be undertaken by expert Working Groups set up by the National Committee.
- Promote improvements in practice, technology, policy and legislation.
- Report annually to Ministers on standards and practice in baby and infant cremations.

In June 2016, Rt Hon Dame Elish Angiolini published the Infant Cremation Investigation Report which set out 15 general conclusions and recommendations (of which, 2 were general conclusions and 13 were recommendations). The recommendation and conclusions were accepted by Scottish Ministers and the National Committee will now provide oversight of the implementation of these recommendations.

The National Committee is chaired by Scottish Government, and has more than twenty members from multiple organisations and sectors including: clinical and neonatal experts; cremator manufacturers; crematoria and funeral directors representative organisations; bereavement organisations; private and local authority cremation authorities and policy officials from England and Wales, and Northern Ireland. There have also been parent representatives on the Committee and its Sub-Groups to help ensure that those who have been most affected by issues in the past are central to improving policy, practice and the law now and in the future.

The Committee recognises the emotional distress and turmoil experienced by many parents and families as a result of some previous infant cremation practices. Because of this, it welcomes the many improvements that have already been made by the organisations involved; it acknowledges that more work needs to be done; and it remains committed to its role in ensuring best practice is the norm in Scotland.

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<sup>1</sup> <http://www.gov.scot/Publications/2014/06/8342>

## **2. COMMITTEE WORKING PRACTICES**

### **Meetings**

The National Committee on Infant Cremation has met on five occasions to date: 9 October 2014; 26 January 2015; 11 June 2015; 13 November 2015 and 28 October 2016.

As well as the main Committee, there were originally five separate Sub-Groups set up: Cremation Practice; Shared Cremations; Training and Communications; Forms and Record-Keeping and Policy and Code of Practice. In 2016, three of the five subgroups completed their remits and subsequently stood down. The Forms and Records subgroup – tasked with developing the new cremation application forms - and the Training and Communications subgroups – developing training materials - are the only subgroups still ongoing.

### **Transparency and Communication**

The National Committee has its own dedicated webpages which are available via the following link:

<http://www.gov.scot/Topics/Health/Policy/BurialsCremation/NCIC>

The webpages include the approved meeting minutes of the Committee and its Sub-Groups and also a separate 'Resources' section, where Committee and/or related outputs are collated and available. This includes all key documents mentioned within this report.

Following the publication of Dame Elish Angiolini's Report on the National Cremation Investigation, the website was updated to include a link to the original report and the Scottish Government's response. These documents can be found at the following link:

<http://www.gov.scot/Topics/Health/Policy/BurialsCremation/NationalInvestigation>

### **Attendance and Participation**

Meeting attendance and participation levels have been high since the establishment of the National Committee. We would like to record our appreciation and thanks to committee members for their input and involvement throughout. Their engagement has been invaluable in implementing the Lord Bonomy recommendations and in turn raising the standards and awareness in the industry.

### **3. PROGRESS AGAINST BONOMY AND ANGIOLINI RECOMMENDATIONS**

As of October 2016, the Committee, its Sub-Groups and its member organisations have fully completed 27 of the 64 recommendations made by Lord Bonomy which equates to a 42% completion rate.

A further 26 recommendations will be completed by the coming into force of various sections of the Burial and Cremation (Scotland) Act 2016 (“the 2016 Act”) which was passed by Scottish Parliament in March 2016. Each section of the 2016 Act must now be brought in to force separately following parliamentary processes. Once the relevant sections of the 2016 Act have been commenced and regulations have been agreed by Scottish Parliament 53 of the 64 recommendations, or 80% will be complete.

Of the remaining 11 recommendations, 4 are subject to completion by NHS Education for Scotland and are planned for completion in April 2017, 4 are annually recurring and therefore not subject to a ‘final completion’ as such; 1 may not be directly possible by legislation and will be included in the Code of Practice instead and; 2 can only be commenced after other legislation and documentation is in place.

Of the 15 recommendations made by Dame Elish Angiolini, 2 are general conclusions, 7 will be completed when the regulations of the 2016 Act come in to force, including 4 which relate directly to inspection; 3 are for NHS Education for Scotland and 3 are local authority/NHS/Private Crematorium matters relating to training and sharing of good practice.

A worksheet setting out the status of each individual recommendation is at **Annex A**.

### **4. NEW LEGISLATION: BURIAL AND CREMATION (SCOTLAND) ACT 2016**

#### **Background and General Information**

The Burial and Cremation (Scotland) Act 2016, which completely replaces the existing legislation, was passed by the Scottish Parliament on 22 March 2016 and received Royal Assent on 28 April 2016. The Act is primary legislation which grants Scottish Ministers powers to make regulations in secondary legislation.

The Act contains a comprehensive legislative framework for burial and cremation in Scotland. It takes forward the wide-ranging recommendations made by the Burial and Cremation Review Group in its 2007 report<sup>2</sup>, and will implement those recommendations made by Lord Bonomy which require legislative change.

In summary, the topics covered by the Burial and Cremation (Scotland) Act 2016 are:

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<sup>2</sup> <http://www.gov.scot/Topics/Health/Policy/BurialsCremation/BurialCremationReview>

- the management of burial grounds;
- applications for burial, fees and registers;
- the duration of rights over a lair and restoration to use of lairs;
- private (home) burial;
- exhumation;
- cremation, including duties of cremation authorities, applications, fees and registers – pregnancy loss is included in each of these processes;
- who may instruct the disposal of human remains;
- inspectors and inspection, as well as the power for Scottish Ministers to introduce licensing of funeral directors;
- the suspension of burial and cremation legislation in response to public health risks (eg, pandemics);
- methods for disposing of human remains which may be introduced in the future; and
- powers for Scottish Ministers to issue statutory codes of practice covering various parts of the funeral industry.

## Progress to Date

On 28 December 2016, a number of sections of the Burial and Cremation (Scotland) Act 2016 came into force. The changes primarily concern the regulatory framework for burials in Scotland. To date, burials had been regulated by the Burial Grounds (Scotland) Act 1855 (“the 1855 Act”). On 28 December 2016, the 1855 Act was repealed and was replaced by sections of the 2016 Act or other transitional and transitory arrangements (described below). The repeal of the 1855 Act was necessary to avoid running parallel regulatory regimes. In addition, these Regulations will also enable Scottish Ministers to appoint Inspectors of Funeral Directors and Inspectors of Burial.

## Transitional and Transitory Provisions

The 2016 Act will be commenced in stages. The Regulations which came in to force on 28 December 2016, therefore, make transitory arrangements to ensure that burial authorities can continue to perform their role in relation to burial. This will ensure that burial authorities can continue to sell lairs and rights to erect headstones, charge fees and maintain burial registers. These arrangements will remain in place until the rest of the burial provisions come in to force.

## Burial – sections commenced on 28 December 2016

Section	Title	Description
1 and 2	Meaning of “burial ground” and Meaning of “burial authority”	Provide new definitions to cover all burial grounds (local authority as well as private) and a new definition for burial authorities.
3	Provision of burial ground: local authority	Places a duty on local authorities to provide at least one open burial ground within their local authority area.
4	Provision of burial	Allows local authorities to provide a burial ground

	ground outwith local authority area	which is situated wholly or partly outwith their local authority area.
5	Joint provision of burial ground	Allows two or more local authorities to jointly provide a burial ground.
6	Management of burial ground	Allows Scottish Ministers to make regulations in connection with the management, regulation and control by a burial authority of burial grounds.
7	Right to erect a building	Provides the power to burial authorities to sell a right to erect a building or other structure on a burial ground.
17	Register of rights of burial	Ensures that burial authorities must continue to maintain a register of the sale of rights of burial.
20(1), (2)(a) and (b), (3), (4), (5) and (6)	Fees for burial	This section will be partially commenced to ensure that burial authorities can continue to set and charge fees for burial and will place a duty on burial authorities to publish their fees.

### **Appointing Inspectors – Sections commenced on 28 December 2016**

In 2015 Scottish Ministers appointed an Inspector of Crematoria. While existing cremation legislation enabled Scottish Ministers to appoint the Inspector of Crematoria, there were no similar powers in legislation to enable Scottish Ministers to appoint Inspectors of Burial or Inspectors of Funeral Directors. From 28 December 2016, Scottish Ministers have the power to appoint Inspectors of Burial and Inspectors of Funeral Directors.

There are no immediate plans to appoint an Inspector of Burial. Scottish Ministers will, however, appoint an Inspector of Funeral Directors early in 2017.

The sections of the 2016 Act which will allow the appointment of Inspectors and have now come in to force are:

<b>Section</b>	<b>Title</b>	<b>Description</b>
89(1)(a) and (c)*	Appointment of Inspectors	Allows Scottish Ministers to appoint Inspectors of Burial and Inspectors of Funeral Directors.
93	Reports	Makes provision about the preparation and publication of reports.

*\*Section 89(1)(b) (Inspectors of Cremation) will be brought into force when the provisions regulation cremation at Part 2 are commenced later in 2017.*

### **Other Provisions**

On 28 December 2016, a number of other, more technical, areas of the 2016 Act were commenced. These have been set out below:

<b>Section</b>	<b>Subject matter</b>
101	Acquisition of land
104(1)	Regulations and consultation requirements
110	Repeals
Schedule 2	Repeals Burial Grounds (Scotland) Act 1855 <b>Where the reference the 1855 Act:</b> Scottish Board of Health Act 1919 Church of Scotland (Property and Endowments) Act 1925 Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 Local Government etc. (Scotland) Act 1994

### **Indicative Future Implementation Timescales**

Different parts of the 2016 Act will be commenced at different times. Where Regulations are to be made, they will be designed in collaboration with stakeholders and will be subject to public and stakeholder consultation. The timescales below are high level and indicative only.

#### **2016/17:**

- Pregnancy loss and cremation, including the commencement of Part 3 of the 2016 Act (Arrangements)
- New powers for Inspectors

#### **2017/18:**

- Burial application process, private burial and exhumation
- Lair restoration to use
- Burial ground management regulations

#### **2018/19 and beyond:**

- Regulation of funeral directors
- Appointment of the Inspector of Burial

## **5. THE NEW CODE OF PRACTICE**

The Committee published its first Code of Practice in December 2015 and agreed at that time that the Code should be subject to annual review. At its meeting in October 2016, the group reviewed the Code of Practice and agreed that no significant updates were required. A small number of minor amendments were made and the update Code of Practice can be found at:

<http://www.gov.scot/Topics/Health/Policy/BurialsCremation/NCIC>



## **6. INSPECTOR OF CREMATORIA AND INSPECTOR OF FUNERAL DIRECTORS**

### **Inspector of Crematoria**

Following a recruitment exercise which attracted a high number and calibre of applicants, Robert Swanson QPM was appointed to the role of Inspector of Crematoria for Scotland in March 2015. This post was initially advertised as part time, however, following feedback from the Inspector this post has now become full time

Since his appointment, the Inspector has undertaken formal inspections of all 29 crematoria in Scotland and has written individual reports on each. The Inspector's report can be found at: <http://www.gov.scot/Topics/Health/Policy/BurialsCremation>

At the most recent meeting of the National Committee, the Inspector provided a verbal update on his findings to date. His inspections identified that all staff who carry out cremations have completed training, the majority of which is accredited by either the Federation of Burial and Cremation Authorities (FBCA) or Institute of Cemetery and Crematorium Management (ICCM). The Inspector also reported that in every case of baby and infant cremation ashes have been recovered.

The Inspector has the duty to investigate complaints regarding cremation practice which are referred to him from, or on behalf of, bereaved families. To date the Inspector has dealt with 10 complaints from bereaved families, some of which are still ongoing.

### **Inspector of Funeral Directors**

A recruitment exercise for an Inspector of Funeral Directors is currently underway with the expectation that an Inspector will be in post early in 2017. The Inspector of Funeral Directors will be appointed for an initial period of two years. Initially, the Inspector will focus on gaining a detailed understanding of how the funeral director industry conducts its business with a view to making recommendations to Scottish Ministers on how it should be regulated and whether licencing should be introduced as part of this regulation. The Inspector will also make an assessment of how well funeral directors are adhering to the National Committee on Infant Cremation Code of Practice and will publish their findings in a report.

Following the initial 18-month period, the Inspector will commence work to begin a process of formal inspections of the funeral industry, in line with the powers set out in the Burial and Cremation (Scotland) Act 2016 and the related regulations.

## **7. UPDATED GUIDANCE ON THE CREMATION OF PREGNANCY LOSSES**

In 2012, the Scottish Government Chief Medical Officer and Chief Nursing Officer issued revised Guidance to the NHS in Scotland, notifying them that incineration of pregnancy losses (i.e. losses that occurred before 24 weeks' gestation) was no

longer acceptable, and that shared cremation was now the minimum standard. All fourteen territorial Health Boards confirmed in 2013 that they were meeting that new minimum standard.

An early piece of work for the National Committee, largely via its Shared Cremations Sub-Group, was to ensure this Guidance was updated to reflect the Bonomy recommendations. The revised version was submitted to Scotland's Chief Medical Officer and Chief Nursing Officer, and was subsequently issued to all NHS Health Boards in June 2015.

It is worth noting that one of the changes introduced, a requirement to 'discuss' all available burial and cremation options with the individual who had experienced the loss, caused concern to some medical professionals working most closely in this area, who felt that in certain circumstances this would cause additional distress to patients. Although the Bonomy recommendation is based on sound principles of ensuring informed consent / authorisation, and despite the option for the patient to decline all discussion, there is a continuing view that actively discussing all options may still be a step too far in some instances, particularly in the context of very early pregnancy loss.

The originally intended update to the CMO letter was postponed to ensure that the updated letter could take account of the changes in practice that will emerge from the new legislation. The chair of the National Committee issued a letter in January 2016 providing a progress update about the work of the Committee. An updated CMO letter will be circulated to health boards soon which will provide an update on the new legislation shortly.

## **8. PUBLISHED CREMATION AUTHORITY POLICY STATEMENTS**

The aim of having a standardised policy statement is to ensure accurate information on local cremation practice is available to those who have been bereaved (and the general public). Its secondary purpose is to make it easier for local partners, eg hospitals and funeral directors, to find this information, thus helping to improve the consistency of cremation information provided to those who have been bereaved.

The Inspector of Crematoria conducted checks of all cremation authority websites to ensure that the Policy Statement on Infant Cremations was publically available. In most instances, they were found to be present, and where it was not it was brought to their attention and rectified. Every cremation authority now displays it's policy statement online

## 9. RELATED ISSUES 2015-16

### Dame Elish Angiolini National Investigation

Dame Elish Angiolini's National Investigation was published on 17 June 2016. Information about the investigation and the report are available at: <http://www.gov.scot/About/Review/national-cremation-investigation>

Dame Elish made 13 specific recommendations and 2 general conclusions, all of which have been accepted by the First Minister. Oversight of the progress of implementation of these records will be taken forward by the National Committee.

A worksheet detailing the progress made against each of the recommendations can be found at **Annex B**.

### Ministry of Justice Consultation

The Committee notes that the Ministry of Justice consulted on infant cremation related matters, in respect of England and Wales, following reports of similar issues in England. The consultation closed on 9 March 2016 and an analysis report was published on 7 July 2016 which announces their intentions to:

- Provide a statutory definition of 'ashes';
- Amend statutory cremation application forms to make the applicant's wishes in relation to ashes that are recovered explicit and ensure that there is a record of their decision;
- Bring the cremation of foetuses of less than 24 weeks' gestation within the scope of regulation for parents who choose cremation (rather than burial or sensitive incineration).
- Establish a national working group of cremation experts to advise on:
  - The detail of new regulations and statutory applications forms;
  - The regulation of cremations of foetuses of less than 24 weeks' gestation;
  - Codes of practice and training for crematorium staff;
  - Information for bereaved parents; and
  - Whether there should be an inspector of crematoria.

## 10. FORWARD LOOK

The National Committee will continue to provide oversight of the progress made on implementing Bonomy's recommendations, will monitor the progress and implementation of the recommendations made by Dame Elish Angiolini and will continue to revise the Code of Practice annually.

The Forms and Record Keeping sub group will continue to be involved in developing the new cremation forms as part of the regulations on cremation for the Burial and Cremation (Scotland) Act 2016.

To reflect the updated Terms of Reference the title of the Committee will be changed to the 'National Committee on Burial and Cremation'.

The Committee has now been carrying out its work for two years. In light of this membership will be reviewed by the Scottish Government.

**National Committee on Infant Cremation  
February 2017**

## ANNEX A

Rec No	Recommendation	RGA Status	Estimated Completion Date	Status / Progress Notes
1	In legislating, devising policy, drafting information and guidance documents, and making arrangements for and conducting baby cremations, the baby and the interests of the family should be the central focus of attention. Parents and families should be given time and space to reach the correct decision for them. Arrangements should be in place at each hospital for on-going contact with parents, particularly mothers, where that contact is necessary. <b>(11.34)</b>		Completed	Completed
2	The FBCA in the course of their "critical friend" visits to crematoria and the ICCM in their self-assessment questionnaire should address specifically the conduct of baby cremations and recovery of ashes. <b>(5.6)</b>		Completed	Completed
3	The "ashes" which the Cremation Authority is obliged to give into the charge of the person who applied for the cremation if he so desires should be defined in legislation as "all that is left in the cremator at the end of the cremation process and following the removal of any metal". That should not preclude the applicant from consenting in advance to the removal of metals, such as coffin nails and artificial joints, and their separate disposal, including as part of a metal recycling scheme.		CoP - Nov 2015  Act – 2016  <b>Regulations - For laying in June 2017 *</b>  <b>*this is subject to parliamentary timescales</b>	Reflected across all Code of Practice Documents  <b>Act:</b> The wording in the Act is different in construction, but its meaning and effect are the same. This section of the Act is likely to be commenced by May 2017.
4	Cremation Authorities should review their practices immediately to ensure that, in dealing with the "ashes" following cremation, they proceed on the basis that the "ashes" are as defined in the foregoing recommendation. <b>(7.21)</b>		Completed	Completed
5	The Scottish Government should inform their counterparts in England and Wales and Northern Ireland about the changes in legislation in Scotland to enable them to consider clarification of the definition of "ashes" in identical terms. <b>(7.23)</b>		Completed	Completed

6	<p>All Cremation Authorities at whose crematoria ashes are not always recovered should liaise with a crematorium or crematoria where ashes are recovered more regularly to share their experiences and information about their respective practices in order to identify changes in practice that should be introduced immediately with a view to increasing the prospects of recovering ashes. <b>(8.13)</b></p>		Completed	Completed
7	<p>The Cremation Authorities which have rejected the use of trays for baby cremations on health and safety grounds should urgently consider, in light of the experience of others, the introduction of a local protocol to allow trays to be used in a way that will expose no one to undue risk. <b>(8.14)</b></p>		Completed	Completed
8	<p>As an urgent interim measure, the ICCM and the Federation of Burial and Cremation Authorities (FBCA) should form a joint working group, which should also include two lay persons nominated by the Scottish Government and a representative of Facultatieve Industries Ltd, to consider the various practices and techniques currently employed in baby and infant cremation in full-scale cremators with a view to identifying those practices which best promote the prospect of recovery of ashes inclusive of baby remains and compiling guidance for cremator operators. The working group should identify aspects of the cremation process which could conceivably be changed or improved and into which research ought to be commissioned by the Scottish Government. The working group's endeavours may be assisted by the fact that the majority of cremators in use in Scotland are produced by the same manufacturer, Facultatieve Technologies Ltd. <b>(8.36)</b></p>		Completed	Completed

9	<p>Following completion of its work in <b>8</b> above, that working group should also consider the operating systems and other features of the cremators in use in Scotland and the practices currently employed with a view to identifying those aspects of the cremation process which could conceivably be changed or improved and into which research ought to be commissioned by the Scottish Government. That should include the practice of cremating babies at the end of the working day and overnight with the cremator operating and monitoring equipment switched off in a way that will cause no material environmental damage and satisfies SEPA that it should be permitted, with a view to increasing the prospects of recovering ashes. <b>(8.36 and 8.39)</b></p>		Completed	Completed
10	<p>That working group should consider and advise whether, in light of experience in England and Ireland, and having regard to their efficiency in recovering ashes and the costs of installation and operation, the Scottish Government should commission research into the design and development of small-scale cremators. <b>(8.40)</b></p>		Completed	Completed
11	<p>Each Cremation Authority should publish a policy statement, which should include a commitment to the sensitive treatment of the baby throughout and to respecting the wishes and needs of parents and families, and also set out the Authority's policy on ashes. To ensure clarity and consistency the ICCM and the FBCA should form a joint working group to develop a model policy statement reflecting best practice and allowing for local variation as appropriate. <b>(8.44)</b></p>		Completed	<p>Policy Statement developed and issued to all Cremation Authorities. FBCA have checked and ensured that all have published it.</p>
12	<p>Funeral Directors and healthcare staff should include appropriate extracts from the Cremation Authority policy in information and guidance material given to families. <b>(8.45)</b></p>		Completed	<p>This is included within the Level 2 CoP documents.</p> <p>*After that, it will be for each sector / org / institution to implement. National Committee can check this annually if required</p>

13	The cremation of non-viable babies should be the subject of legislative regulation. <b>(9.4)</b>		Act – Mar 2016  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	<b>Act &amp; Regs:</b> The Act contains a provision for making arrangements, including consent, of the cremation or burial of a pregnancy loss on or before 24 weeks. The Act also makes provision for how ashes should be handled and for a register of all pregnancy losses to be kept.  Exactly how crematoriums are managed and operated will be set out in regulation. These regulations will set out the detail of how crematoriums should operate when cremating pregnancy loss on or before 24 weeks.
14	Appropriate forms of application for cremation should be prescribed for each of three categories of cremation of babies and infants: (a) stillborn baby; (b) shared cremation of non-viable babies; and (c) individual cremation of a non-viable baby. <b>(9.7, 9.23, 9.40, 9.42 and 9.44)</b>		Act – Mar 2016  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	<b>Act &amp; Regs:</b> The Act makes provision for an application for cremation to be submitted to a cremation authority. Regulations will set out the detail of how this application can be made and what it must include. Application forms will be developed in line with this recommendation.
15	On each form of application for cremation there should be a clear warning, in terms appropriate to that form, that ashes may not be recovered, with provision for the applicant to acknowledge having read that warning. In the case of (b) shared cremations the warning should also state that any ashes recovered will either be scattered or interred, and specify which, at the crematorium. <b>(9.10, 9.24, 9.40, 9.44)</b>		Act 2016  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	<b>Act:</b> In all cases ashes should be recovered. Where this is not the case, the Inspector should be informed. In the case of shared cremations, the hospital staff will inform the next of kin that individual ashes cannot be recovered and that these will either be scattered or interred by the crematorium. <b>Regs:</b> Content of forms will be set out in Regulation and will contain a warning that in very rare circumstances, ashes may not be recovered.
16	In the context of their introduction of a new death certification process, the Scottish Government should review the currently prescribed content of cremation application Form A to ensure that only essential questions are incorporated into the new		Act 2016 Regulations - For laying in June 2017 **this is subject to parliamentary	The Working Group has already reviewed Form A in line with this recommendation. <b>Regs:</b> Content of forms will be set out in Regulation



	prescribed forms for (a) and (c). <b>(9.18, 9.24 and 9.44)</b>		timescales	
17	All forms of application prescribed should be designed by the Scottish Government with simplicity and clarity in mind, and all Cremation Authorities, Health Boards and other healthcare providers should be required to use the forms so prescribed and designed. <b>(9.14 and 9.16)</b>		Act 2016 Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	The Working Group is reviewing the forms, in line with this recommendation. Regs: Content of forms will be set out in Regulation.
18	The forms prescribed for (a) and (c) should contain a question requiring the applicant to specify how the ashes should be dealt with following the cremation. The options available should include retention for a defined period pending a final decision and also later extending the period of retention. <b>(9.10, 9.24 and 9.44)</b>		Act 2016 Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	The Working Group is reviewing the forms, in line with this recommendation. Regs: Content of forms will be set out in Regulation.
19	There should be provision in forms for (a) and (c), or on a separate form, for the applicant to authorise a representative, such as the Funeral Director, to collect the ashes. Where the Funeral Director is the person authorised, the form should also provide for the consent of the applicant to the Funeral Director returning the ashes to the crematorium in the event that the applicant does not collect them from the Funeral Director or give the Funeral Director instructions as to their disposal within a defined period. <b>(9.11)</b>		Act 2016 Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	The Working Group is reviewing the forms, in line with this recommendation. Regs: Content of forms will be set out in Regulation.
20	There should be a specific legislative provision that the cremation should not be authorised to proceed if the application does not contain a clear direction as to how the ashes should be dealt with. <b>(9.12)</b>		Act 2016 Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	The Burial and Cremation (Scotland) Act 2016 requires that an application for cremation is made and authorised in every case. Regs: Content of forms will be set out in regulation and will ensure that clear direction is given as to how the ashes should be handled.

21	Where ashes are left in the care of the crematorium on the basis that they will be collected, or to await further instructions within a defined period, the Cremation Authority may not scatter or inter them unless 14 days' notice of their intention to do has been given to the applicant. <b>(9.13)</b>		Completed  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	Covered in Level 2 CoP  Act & Regs: The Act places a duty on the cremation authority to ascertain the applicants wishes for handling of ashes. The applicants wishes will be set out on the application form, the content of which will be set out in Regulation.
22	The forms prescribed for (a) and (c) should be completed and signed by the applicant personally, and the applicant's signature should be witnessed by a person who is not a member of the applicant's family and has no part in the arrangements for the cremation. <b>(9.9, 9.10, 9.21 and 9.44)</b>		Act 2016  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	Regs: Content of forms will be set out in Regs.  *Issue of uninvolved witness may not be possible*.
23	It should be provided in legislation that those entitled to apply for cremation are: (i) in the case of (a) and (c) the nearest relative as defined by section 50 of the Human Tissue (Scotland) Act 2006; and (ii) in the case of (b) a person authorised by the Medical Director of a Health Board or other healthcare provider, and that an application presented by a different person should be accepted only on cause shown, which should be recorded in the register referred to below. <b>(9.19, 9.20 and 9.42)</b>		Act 2016  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	The Act provides for a number of options with regard to those who are entitled to apply for cremation.
24	Senior Cremation Authority staff should be responsible for the scrutiny of all cremation application forms to satisfy themselves that the applicant is entitled to make the application as mother, nearest relative or on cause shown. There should be legislative provision that, if the Cremation Authority is not satisfied of the applicant's entitlement to apply, then authority for the cremation to proceed may be refused. <b>(9.20)</b>		Act 2016  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	The forms will request that the applicant declares that they are the next of kin and that they are eligible to make the application.

25	Legislative provisions similar to those in Regulation 20 of the 2008 Regulations (England and Wales) should be introduced requiring appropriate certification of a stillbirth. <b>(9.22)</b>		Act 2016 <b>Regulations - For laying in June 2017 *</b>  <b>*this is subject to parliamentary timescales</b>	Section 21 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 provides for the appropriate certification of a stillbirth. Act and Regs: The Burial and Cremation (Scotland) Act 2016 requires that an application for cremation is made and authorised in every case. Regulations will specify that the death/medical certificate must be seen by the cremation authority before the cremation is authorised.
26	The duty of Cremation Authorities as to the handling of ashes set out in Regulation 17 of the 1935 Regulations should be extended to apply to stillborn and non-viable babies. <b>(9.25)</b>		Act 2016 <b>Regulations - For laying in June 2017 *</b>  <b>*this is subject to parliamentary timescales</b>	The Act places duties on cremation authorities
27	The provisions of Regulations 13 and 15A of the 1935 Regulations should be amended to apply to stillborn children. <b>(9.26)</b>		<b>Regulations - TBC.</b>	
28	NHS Scotland should review the provision of the facility of hospital-arranged cremation throughout Scotland with a view to making consistent provision in all Health Boards. <b>(9.32)</b>		Completed	Review conducted summer 2015. Provision is still unclear / uncertain. Although rec is technically completed, this will be followed up as formal CMO / CNO exercise alongside audit of implementation of Pregnancy Loss Guidance, autumn 2016.
29	The Scottish Government should establish a working group comprising representatives of Health Boards, Funeral Directors, Cremation Authorities and miscarriage and child bereavement support organisations to consider evolving practices in the arrangement and conduct of shared cremations and to draw up a code of practice setting down minimum standards for shared cremations. <b>(9.35)</b>		Completed	WG established and the tasks mentioned are set out in other recommendations.
30	The 2012 CMO and CNO Guidance on sensitive disposal should be reviewed and consideration should be given to revising it to take account of the comments made in Section 9.		Completed	Completed

	<b>(9.36 to 9.39)</b>			
31	Annex C to the CMO and CNO Guidance should be revised to: (i) set out specifically the options for disposal explained to the mother above the space for her signature; (ii) state that ashes may not be recovered following cremation, and that any which are recovered will be scattered or buried at the crematorium; and (iii) state specifically that the standard procedure to be followed where the mother declines to discuss disposal is cremation along with others. <b>(9.40 and 9.41)</b>		Completed	Completed
32	The form of application for (b) should state that each mother has authorised the hospital to arrange a shared cremation, and that such authorisation is held in hospital records. <b>(9.40)</b>		CMO + CNO Guidance- Completed  Act 2016 <b>Regulations - For laying in June 2017 *</b>  <b>*this is subject to parliamentary timescales</b>	Set out in CMO & CNO Guidance annexes  <b>Regs:</b> Content of forms will be set out in Regs
33	Each application for cremation of a non-viable baby should be accompanied by a medical certificate that the pregnancy loss occurred before 24 weeks and showed no signs of life. <b>(9.42)</b>		Act 2016  <b>Regulations - For laying in June 2017 *</b>  <b>*this is subject to parliamentary timescales</b>	<b>Regs:</b> Content of forms will be set out in Regs
34	Cremation Authorities, Funeral Directors and Health Boards should review the contractual arrangements in place for shared cremations in light of ICCM guidance contained in Section 6 to satisfy themselves that the respective responsibilities of the parties are so defined as to ensure that such cremations are carried out in a dignified and sensitive manner. <b>(9.48)</b>		Completed	This is set out within NHS Level 2 CoP and template Contract, which will be signed up to by Funeral Directors and crematoria ie NHS contracts will drive adherence from fds and crematoria.
35	Each Cremation Authority should be required by legislation to record the cremation of each deceased baby, stillborn baby and non-viable baby carried out by the Cremation Authority in a register or registers comprising prescribed columns, every one of which must be completed,		Act - Mar 2016  <b>Regulations - For laying in June 2017 *</b>  <b>*this is subject to parliamentary</b>	Act & Regs: The Act contains provision to this effect, although the detail of the register will be set out in regulations.

	including in particular, if the ashes were scattered or buried, the date and their location and, if collected, the date and by whom. <b>(10.4 and 10.5)</b>		timescales	
36	The Cremation Register should be a public document and the Scottish Government should make legislative provision to that effect, subject to any restrictions necessary in the interest of privacy and to comply with data protection requirements. <b>(10.6)</b>		Act - Mar 2016. Commencement - TBC	The Act contains provision to this effect.
37	Each Health Board and other healthcare providers should maintain a register of authorisations in which the crematorium at which the baby was cremated is recorded in a way that will ensure traceability of the link between the baby and the ashes. <b>(10.8)</b>		Nov 2015  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	Reflected in NHS Level 2 Code of Practice document  The Act contains a provision to this effect. The detail of the register will be set out in regulations.
38	Since responsibility for preserving important records relating to hospital-arranged cremations lies with the hospital or other healthcare provider, a working group comprising Health Board representatives and a representative from the private healthcare sector, chaired by a Scottish Government official, should be appointed by the Scottish Government to review hospital record-keeping practice in all hospitals and other healthcare providers in relation to documents relevant to baby and infant cremations with a view to identifying best practice to be applied across Scotland. <b>(10.9)</b>		Act 2016  Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	Act&Regs: The Act places a duty on Health Authorities to prepare and maintain a register of all pregnancy loss and whether a burial or cremation has taken place. Health Authorities must keep that register indefinitely. Scottish Ministers have the option to, by regulation, set out other requirements in relation to the register.
39	The registers kept by Cremation Authorities, Health Boards and other healthcare providers should be preserved indefinitely. All forms of application, certificates and other official documents relating to a cremation should be preserved for a minimum of 50 years. The original should be preserved for 2 years and copies, which may be in electronic form, for the remainder of the 50 years. <b>(10.10 and 10.11)</b>		Act 2016  Commencement - TBC	Act: The Act contains provision to this affect.

40	<p>The Scottish Government should form a working group drawn from Cremation Authorities and providers of software to crematoria to review the available facilities for electronic processing and storage of cremation documents and records, to consider and recommend appropriate improvements to achieve the objects of the recommendations of this Commission, and to consider what additional features and facilities the software manufacturers should be invited to develop, all with a view to ensuring that the systems in use by Cremation Authorities are as efficient and secure as possible. The working group should also consider and advise on the appropriate requirements for back-up systems. Having regard to the importance of keeping records secure, the working group should also consider and advise whether additional security measures are necessary and what back-up storage systems should be provided. <b>(10.12)</b></p>		Date uncertain	As this is linked to 'achieving the objects of the recommendations of this Commission' it will be require to be commenced after other documentation and legislation is in place or finalised.
41	<p>In the case of deceased and stillborn babies, on completion of the entry by recording the ashes location or collection and the date thereof, the Cremation Authority Registrar should be required to send a notice to the applicant confirming which occurred and, if scattered or interred, where that was, along with an extract of the full register entry. In the case of the individual cremation of a non-viable baby the Registrar should issue such a notice and extract on request and the form of application should provide for such a request to be made. <b>(10.13)</b></p>		Act 2016  Regulations - Date uncertain; perhaps 12 to 18 months after Act is in force.	
42	<p>The ICCM and FBCA should review their respective technical training programmes in accordance with the requirements identified in Section 11. <b>(11.12 to 11.16)</b></p>		Completed	Completed
43	<p>The FBCA should review all published guidance documents to provide clear and fully informed guidance on the prospects of ashes being recovered based on</p>		Completed	Completed

	knowledge of skeletal maturity rather than gestational age alone. <b>(11.14)</b>			
44	The ICCM and FBCA should each introduce into their respective technical training programmes provision requiring the trainee technician and his mentor to attend and undertake, in the course of the training period and at a crematorium identified by the Institute or the Association as excelling in the conduct of baby and infant cremations, a full day of training in the conduct of baby and infant cremation on two separate occasions. The trainee should be required to satisfy the examiner of his knowledge and understanding of the methods and techniques of the conduct of baby and infant cremations that enhance the prospects of recovering ashes. <b>(11.16)</b>		Completed	Completed
45	The ICCM should revise their management training scheme to include an element dealing with baby and infant cremation and to make that a compulsory part of study for the certificate in cremation management. <b>(11.18)</b>		Completed	Revised crematorium management unit of the ICCM Diploma introduced December 2014. Edexcel accreditation received. An upgrade is also available for those with an old qualification.
46	The person with direct management responsibility for the operation of a crematorium should hold either a qualification in crematorium management or the FBCA certificate of competence to operate cremators or the ICCM intermediate certificate for crematorium technical operations. <b>(11.19)</b>		Regulations - Date uncertain; perhaps 12 to 18 months after Act is in force.	<i>* May not be directly possible in legislation*</i>  <i>Included instead in CoP / Guidance instead (although broader than infant cremation)</i>



47	The FBCA should develop and introduce a training programme for continuing professional development. <b>(11.20)</b>		Completed	<p>In CoP documents.</p> <p>FBCA issued an updated “TEST” Training Programme in October 2014 and specific Scottish “TEST” Training Notes in January 2015.</p> <p>The FBCA also satisfies this recommendation by use of general update newsletters to its member organisations via its “Letterbox” system, publishes a quarterly journal “RESURGAM” and provides for information updates at its conferences.</p>
48	Mothers of non-viable babies and families of stillborn babies and very young deceased babies considering cremation should be advised where there is a possibility that ashes will not be recovered and reminded of the availability of the option of burial. <b>(11.24 and 11.34)</b>		Completed	Completed. In all applicable CoP documents.
49	All providers of training programmes for Funeral Directors should review them in the light of any legislative changes affecting the cremation of non-viable and stillborn babies and associated administrative procedures. <b>(11.26)</b>		Date Uncertain.	Unable to progress at this time. This will be dependent not only on new Act, but on later implementation of eg statutory Forms through Regs.
50	All providers of training programmes for Funeral Directors should devise modules designed to give Funeral Directors an understanding of the cremation process, the effect it has and the prospects of recovering ashes in baby and infant cremations. <b>(11.26)</b>		Completed	NAFD training programmes reviewed ahead of legislative changes and training now revised. NAFD have also introduced an additional one day module 'Sensitive Conversations' with defined objectives around infant funerals.



51	<p>Each Health Board, as part of continuously improving the quality of the service, should identify staff who will have responsibility for communicating with families about arrangements for disposal and liaising with Funeral Directors and crematoria and, as part of their continuous professional development, arrange for their further education and training in the necessary skills, including developing their communication skills, improving their understanding of the roles and responsibilities of colleagues, and providing an appreciation of the capabilities of modern cremation equipment and contemporary cremation practice and the effect of cremation on babies and infants. <b>(11.35)</b></p>		<p>01/04/2017 - Infant cremation learning materials in preparation due for completion April 2017</p>	<p>Bonomy recs have been circulated to all Health Board maternity service leads.</p> <p>NES has developed and launched a new open access online learning module on Maternity Bereavement for all maternity care professionals <a href="http://www.knowledge.scot.nhs.uk/maternalhealth">www.knowledge.scot.nhs.uk/maternalhealth</a> in May 2015. This module has been widely marketed among all relevant health professional networks and includes key learning on developing high quality communication skills with families at the time of bereavement and when discussing choices. It includes the revised definition of 'ashes' and the advised approach for discussing options with parents around burial, cremation and funerals.</p> <p>The final part of this recommendation will be further supplemented through the development of the infant cremation training materials. Funding to develop these materials has been secured and the materials will be developed by end March 2017.</p>
52	<p>Health Boards should support staff in initiating the formation of local multi-disciplinary working groups comprising all with a role in dealing with the fate of the baby from hospital to crematorium to exchange information, knowledge, understanding, practice and experience, as well as promoting joint training programmes, with the aim of ensuring that all involved are familiar with the facilities available and practices followed locally. <b>(11.36)</b></p>		<p>01/04/2016 - This guidance was developed by the training and communication group and has been circulated to all heads of midwifery</p>	<p>The T&amp;Csub group is currently developing guidance for all health board areas on setting up these multi-disciplinary groups. Some health boards have already established such groups, but some are yet to do this. The guidance will include best practice vignettes and guidance on who to invite along with key contact information. A further survey of health boards' practice in this area is planned for April 2016 to identify that these groups have now been established in all areas.</p>

53	Health Boards, organisations providing advice, support and guidance to grieving families such as SANDS UK and the Miscarriage Association, Funeral Directors, the ICCM and FBCA, and any other body providing advice, support and guidance to grieving parents and families should review all publications dealing with cremation that are likely to be distributed to, or seen by, the public to ensure that they include accurate information that is expressed clearly and consistently, including in particular information about the prospects of recovering ashes, and that they contain a reminder of the availability of the option of burial. <b>(11.37)</b>		01/04/2016 - This guidance was developed by the training and communication group and has been circulated to all heads of midwifery	SubGroup review undertaken in spring 2015. Sands are in the process of updating their information leaflets for parents. These leaflets are widely used by health boards in Scotland.  Some leaflets etc still show inaccuracies or inconsistencies, therefore further work to provide eg standardised text on key topics to eg NHS is underway.
54	The Scottish Government should establish a working group comprising a representative from each Health Board and chaired by a Scottish Government official to review all guidance documents and information leaflets in use over all Health Boards and private healthcare providers, including those compiled by, or in conjunction with, bodies such as SANDS and the Miscarriage Association, relating to management of pregnancy loss and infant bereavement and arranging disposal, with a view to ensuring consistency in that guidance and information, and endeavoring to reduce the proliferation of different documents in use. <b>(11.38)</b>		01/04/2017 - The suggested wording for leaflets was completed and is available on the Scottish Government website. Follow up to see if health boards have changed all leaflets will be required in 2017.	Whilst largely covered in response above, there may be a need for further checks following initial work for end Apr 16, hence later end date
55	Where invited to do so by affected parents, local councils / authorities should facilitate discussion for plans for local memorials. <b>(12.7)</b>		Date Uncertain	Local Authorities will progress if approached by affected parents.
56	The Scottish Government should form a working group, to include representatives of affected parents and bereavement support groups to consider whether there should be a national memorial dedicated to the babies whose ashes were mishandled or mismanaged and, if so, the form that it should take. <b>(12.8)</b>		Keep under review	No apparent appetite for a national memorial at the moment - this will be kept under review
57	The Scottish Government should establish a National Committee with responsibility for baby and		Completed	Completed

	infant cremations. <b>(13.4)</b>			
58	The National Committee should be chaired by a senior Scottish Government official. Its membership should be drawn from authorities, organisations, professions and other bodies with a role in baby and infant cremation, and should include representation from groups or organisations representing affected parents and providing bereavement support. <b>(13.5)</b>		Completed	Completed
59	The National Committee should have power to establish working groups of its membership, with co-opted members where appropriate, to consider specific recommendations from this report. Each of the working groups recommended above would be sub-groups of the National Committee. It would be open to the National Committee to assign to one working groups the tasks assigned in more than one recommendation, for example recommendations relating to technical matters and cremation technology could be dealt with by a professional sub-group reporting back to the full Committee. The National Committee should also have the power to establish working groups to consider other issues identified by the National Committee and to report back to the National Committee. <b>(13.6)</b>		Completed	Completed
60	The National Committee should report to Scottish Ministers annually on progress against the recommendations made by this Commission. That annual report should be published on the Scottish Government website. <b>(13.7)</b>		Ongoing	Ongoing
61	The National Committee should, as a priority, develop a national Code of Practice for baby and infant cremation. Such a Code, which should be informed by the recommendations of this Commission, should set down the minimum requirements for organisations to adhere to when supporting bereaved parents and families through the baby and infant cremation process, and		Completed	Completed. November publication pending.

	seek to identify best practice to be followed by all bodies involved in baby and infant cremation. The Code of Practice should include general principles and guidance as well as specific technical and operational guidance for Cremation Authorities, Health Boards and Funeral Directors, with a view to achieving consistently high standards of practice among all with a role in baby and infant cremation. <b>(13.8)</b>			
62	The Code of Practice should be a live document that is not only responsive to developments, but also instrumental in promoting improvements, in practice, technology, policy and legislation. The National Committee should therefore continue to monitor developments in all aspects of activity related to baby and infant cremation and review the Code annually to ensure that it reflects contemporary standards and best practice. <b>(13.9)</b>		Ongoing	Ongoing
63	Scottish Ministers should appoint an independent Inspector to monitor working practices and standards at crematoria, provide feedback to Cremation Authorities on how they are performing and to report to the Scottish Ministers as required. The independent Inspector should have authority to investigate complaints from the public about working practices and standards at crematoria, to adjudicate upon these complaints and report findings to the Scottish Ministers. The role of the Inspector should be extended to the funeral industry in respect of which there is no current provision for inspection. <b>(13.10 and 13.11)</b>		Completed  Act - Mar 2016  <b>Regulations - TBC</b>	Inspector appointed and in post April 2015.  <b>Act &amp; Regs:</b> The Act will contain a provision to extend Inspector role to funeral industry, although regs will set out the detail.
64	The Scottish Ministers should keep the cremation and funeral industries under review and should consider, in light of the reports of the National Committee and the independent Inspector, whether further regulation of either is required. <b>(13.13)</b>		Commencement - December 2016. <b>Regulations - TBC</b>	<i>Act &amp; Regs: The Act provides for the appointment of Inspectors. These sections require to be commenced. Regulations will set out the inspectors duties.</i>  <i>*Once in Regs, this will be an ongoing role for Scottish Ministers. *</i>

## ANNEX B

Rec No	Recommendation	RGA Status	Estimated Completion Date	Status / Progress Notes
1	The evidence discloses unethical and abhorrent practices at Aberdeen Crematorium over many years, including the cremation of foetuses and babies along with unrelated and unknown adults.	n/a	N/A	N/A
2	A criminal sanction should be created to prohibit the cremation of a non-viable foetus, stillborn baby or infant with an unrelated person unless there is express written consent from the next of kin of the baby. There must also be express written consent from the next of kin of the unrelated person or it must be compliant with the testamentary intention of the unrelated person.		Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	Will be set out in regs
3	The overall regulation of the funeral profession needs to be improved. Funeral Directors as well as Cremation Authorities should be licensed and subject to a statutory regime of regulation and inspection.		Recruitment early 2017	Inspector of Funeral Directors will be recruited Early in 2017
4	The Scottish Government should exercise its powers under the Burial and Cremation (Scotland) Act 2016 to regulate the Funeral Directing profession.		Recruitment early 2017	Inspector of Funeral Directors will be recruited Early in 2017
5	An inspectorate of the Funeral Business should be appointed incorporating the current role of the Inspector of Crematoria.		Recruitment early 2017	Inspector of Funeral Directors will be recruited Early in 2017
6	The Chief Executives and Senior Management of the Councils and organisations responsible for crematoria and funeral care in Scotland must take full responsibility for securing a forward looking and proactive approach to the management of their businesses and duties. This should include responsibility for ensuring a caring and sensitive culture in their operations and a renewed focus on customer service and standards of care. The parents of many of the families involved in this investigation have been failed by both crematoria and funeral care organisations over many decades.			

7	<p>Minimum standards of training and joint training should be introduced for the cremation of fetuses, stillborn and infant babies. Chief Executives should take responsibility for ensuring all staff are trained and certified to those standards, which should be periodically re-assessed. Such staff should be given opportunities to develop best practice along with funeral professionals and NHS staff.</p>		<p>E learning package &amp; workbook to be completed April 2017. Distributed throughout relevant staff through 2017.</p>	<p>Training and Communication sub group have developed the draft content for the learning resources. Company in process of being commissioned to undertake development of electronic and paper based learning materials including animated films of best practice. To be distributed across all crematoria, funeral directors and health staff.</p>
8	<p>All midwifery students should be trained to deal with the care of parents of deceased babies. There is a particular need to ensure that parents are given time and space to make decisions about the disposal of their baby's remains, that mothers are fit to provide consent and that accurate information is provided about the options available for parents.</p>		<p>E learning package on maternity bereavement including memory making completed May 2015 - used across all pre-registration midwifery programmes.</p>	<p>As above, to include distribution to Higher Education Institutions that provide pre-registration midwifery education.</p>
9	<p>It was clear that the quality of communication between NHS staff, crematoria staff and Funeral Directors also varied considerably across the country and was subject to confusion and disagreement between the organisations. While the Investigation was told that some crematoria would warn Funeral Directors that ashes could not be guaranteed, this has been understood by Funeral Directors that no ashes were available for fetuses or babies and parents had been advised as much. As with the findings in the Mortonhall Investigation Report, the whole process of communication with bereaved parents about cremation was generally unsatisfactory and muddled, with a small number of notable exceptions.</p>		<p>n/a</p>	<p>n/a</p>
10	<p>Steps must be taken by all Chief Executives of health, crematoria and funeral organisations to ensure that all staff required to advise parents on cremation or to carry out such cremations are properly briefed. They must have an understanding about the survival of baby bones in cremation where proper care is taken. They must also have an understanding of the fundamental</p>		<p>Learning package in preparation as above</p>	<p>As above for training and communication sub group - though responsibility for implementation lies with NHS Board leads, funeral director and crematoria managers.</p>

	importance to families of having back a small remnant of their baby, including ashes from the baby's clothes, blanket, toy or coffin to help them grieve for their loss.			
11	It is incumbent on all senior management in each of these three sectors to lead and secure adequate training, appropriate working practices and a culture of care and sensitivity. Given what is disclosed in this Report, systems must be in place to ensure those services are delivered consistently and are subject to regulation and inspection.			
12	The practice of inserting the disposal outcome of the remains of the baby on the Statutory Register of Cremations before the actual cremation had taken place was widespread. In short, what appears to be a record was a prediction and not a record at all. This rendered many records wholly unreliable and meaning less as a statutory record of the actual outcome of the cremation. There was significant evidence that in many cases across the country the outcome recorded was in fact only the instruction for the disposal of the ashes and that it was not updated with the actual outcome. As at Mortonhall, prior to the computerised systems being introduced, most crematoria did not record in manual registers that there were 'no remains' even though they stated this to be the case. Most often the words 'dispersed in the Garden of Rest or Remembrance' would appear. This casual and careless approach to a statutory obligation is of considerable concern. Steps now need to be taken to rectify these inaccuracies and to ensure this obligation is treated with the solemnity it deserves. The statutory requirement to maintain such records implicitly contains a duty to do so conscientiously and truthfully.		Regulations - For laying in June 2017 *  *this is subject to parliamentary timescales	Cremation Regulations will make a Cremation Register Mandatory. Inspectors will inspect the Register. New Cremation forms will require applicant to stipulate what they wish to happen to the ashes, options must be fully explained the to applicant at the time of application.
13	Evidence was discovered of Funeral Directors and crematoria holding on to baby ashes for many years on their premises		Regulations: For laying in June 2017 *	Scheme will be introduced for return of historical ashes. New cremation forms will ensure, going forward, all



	without advising parents until the intervention of the investigation. Crematoria and Funeral Directors must be vigilant to secure the return of ashes to parents or next of kin where the parents or next of kin have applied for the return of the ashes. Ashes should also be offered where any of the circumstances described in the report may apply to parents who may be unaware that the ashes are still being held either at the crematorium or at the Funeral Director's premises.		*this is subject to parliamentary timescales	ashes are returned to loved ones as per their wishes stated on the form.
14	Many parents relied wholly on the advice given by NHS staff and accepted in good faith the advice that there would be no ashes to be recovered from the cremation of their baby. This misleading information deprived many parents in Scotland of the opportunity to recover the ashes of their babies. Such advice and guidance to parents needs to be accurate and set out in different formats to take into account the impact of grief on the ability of the parents to absorb information given on one occasion. Most importantly, parents must also be given the time and space to make their decision.		Waiting on update from NES	
15	The report identifies incidences where babies have been cremated with an unknown, unrelated adult and/or their ashes have been disposed of without the knowledge of parents. Steps should be taken by the Chief Executives of organisations responsible for such crematoria to consult affected parents about an appropriate memorial.		unknown	National Committee will seek updates on progress to ensure this recommendation is implemented



## NCIC MEMBERSHIP

Representative Sector	Organisation	Member Name
Chair	Head of Health Protection, Scottish Government	Gareth Brown
Inspector of Crematoria		Robert Swanson QPM
Cremation Representative Organisations	Institute of Cemetery and Crematorium Management (ICCM)	Bill Stanley
	Federation of Burial and Cremation Authorities	Rick Powell
Manufacturers	Facultatieve Technologies (FT)	Jim Nicholl
Funeral Directors	National Association of Funeral Directors (NAFD)	Paul Cuthell
	Society of Allied Independent Funeral Directors (SAIF)	Jim Brodie
Local Authority Cremation Authorities	Glasgow City Council	Brian Devlin
	Edinburgh City Council	Robbie Beattie
Private Cremation Authorities	Dignity Ltd	David Baxter
	Edinburgh Crematorium Ltd	Jim Nickerson
Bereavement Organisations	Simpsons Memory Box Appeal (SiMBA)	Sara Fitzsimmons
	SANDS Scotland	Ann McMurray
	The Miscarriage Association	Helena McLaren
NHS	Heads of Midwifery	Susan Stewart
	NHS Education for Scotland	Mary Ross-Davie
Neonatologists	Consultant Obstetrician	Dr Dawn Kernaghan
	Consultant Neonatologist	Dr Edile Murdoch
Parent Representatives	By arrangement x 2	
UK Administrations	Ministry of Justice, England & Wales	Judith Bernstein
	Department of the Environment, Northern Ireland	Julie Broadway
Scottish Government	Senior Medical Officer	Dr Mini Mishra
	Legislation Leader (observer)	Cheryl Paris
	Supporting Official	Vicki McKechnie and Katrina McNeil





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