

Cross-Party Group on <Funerals and Bereavement >

Date and Time: 08th March 2023 7pm

Minutes

Present

MSPs

Jeremy Balfour MSP

Stuart McMillan MSP

Invited guests

None

Non-MSP Group Members

Paul Cuthell - NAFD

James Morris – SAIF

Gordon Swan – NAFPP

Fiona Arnott-Barron – Cruse

Andy Brown – NAFD

James Blackburn - NAFD

Andrew Judd – CEO NAFD

Liam Boyle – Wm Purves

Jeremy Balfour MSP

Terry Tennens – SAIF

Mark Hazlewood – Scottish Partnership for Palliative Care

Linsey Kidd – Scottish Cot Death Trust

Jan Power – Caledonia Cremation

Eileen Cawley – Scottish Pensioners Forum

Apologies

None

Agenda item 1

1. Welcome and apologies

Jeremy Balfour (JB) welcomed the group and the Minister

Agenda item 2

2. New members

Lynsey Kidd, Scottish Cot Death Trust, and Fiona Arnott-Barron, Cruse Scotland, were welcomed as new members.

Agenda item 3

3. Approval of the minutes from previous meeting

Previous minutes were agreed unanimously.

Agenda item 4

4. Correspondence

Members confirmed they had received correspondence sent to the Group by Ben Macpherson MSP, Maree Todd MSP, the Burial and Cremation Team as a result of letters written to them as action points from the last meeting. The outcomes were discussed. Gordon Swan said the issue of Golden Charter having access to a vehicle to express its views on licensing had not yet been resolved.

James Blackburn said he had been in correspondence with the Burial and Cremation Team over the public consultation on water cremation, and the information he had recently received was that the consultation was not ready yet, the Burial and Cremation team are still working on it with Scottish Water and SEPA. It was expected soon, but no timetable was available.

James Morris asked whether the consultation was solely about water cremation or whether it would cover other types of “green” disposal, such as composting. James Blackburn confirmed it would be water cremation only. He highlighted that a water cremation facility would be opening in Durham soon.

Agenda item 5:

5. Discussion: Winter 2022 – how it went, lessons learned and recommendations

Stuart McMillan told the group that the Local Authority in Inverclyde had chosen to carry out maintenance at its crematoria, which had meant it was operating at half capacity (three days a week) at the busiest time of the year. This led to increasing delays of up to four or five weeks, and created a sense of “frustration and anger”. He had personal experience when his mother passed away and wanted to raise it with the group.

When asked, he said the delays were down to the maintenance work added to excess deaths over winter.

Paul Cuthell highlighted the problems caused by delays to post mortems. He raised two case studies whereby a man was in his care for 10 days before the police visited and then a further 15 while a post mortem was arranged. During the process the family, from Falkirk, was given three different locations as to where the post mortem would take place: Dundee, Edinburgh and Forth Valley. He said because no preparatory work can take place prior to a post mortem, the delays meant that by the time the post mortem was carried out and the deceased person could be made presentable in a dignified way for viewing, it was not possible due to deterioration. He said the process took too long and denied the family an important part of the grieving process.

In another case study, a gentleman who died unexpectedly was taken into Mr Cuthell’s care early in January. The family was initially told that a post mortem was not required but, on January 10th, were told that one was to be carried out. There was a further 15 day wait for the post mortem. Again, this had a damaging effect on the family, who wanted to see the deceased person dressed and prepared, but could not. Mr Cuthell asked why the GP could not help explain what was happening initially and why it took six days for the case to be reported to the Procurator Fiscal.

Mr Cuthell also raised the delays caused by local authority protocols on burial. He said Falkirk Council has 13 gravediggers but has a protocol whereby it will not carry out more than four burials per day across all of its sites. This leads to delays and gravediggers being available but unable to work. This has led to a delay of five to six weeks for a funeral in some cases.

The group was told that East and North Lanarkshire LAs have continued to ask for a Form 14 before opening a lair despite the letter from the DCRS saying they don’t need one.

Mr Cuthell raised the shortage of pathologists. A lack of pathologists in Aberdeen and Tayside had led to post mortems being transferred to Edinburgh from across the east of the country. He questioned the costs involved and the effect on families. He urged the group to do something to represent the bereaved.

James Morris raised a similar case in Edinburgh where delays in a post mortem had led to a family being unable to view the deceased person because of deterioration.

Action point: To write to the Lord Advocate, including the evidence raised in the meeting but making clear it is a countrywide issue, and ask for response.

To write to the Health Minister about pathologists to find out how many there are and if there is any recruitment taking place, details the problems the situation is causing and ask what plans the Scottish Government has to tackle the shortage.

Andrew Brown said that aside from the delays caused because of post mortems, there were also challenges with local authorities. He said time taken to register death was a “lottery” depending on where you lived. There was a reduction in the number of burials can be booked daily.

Eileen Cawley said the matter must be brought to the attention of the Lord Advocate and even COSLA.

Jeremy Balfour said it would be better to raise with individual councils. He asked the group whether they felt they were back to pandemic levels.

Eileen Cawley said although it was post-Covid, bereaved people were still very much feeling the effects of the pandemic. Levels of distress and mental health is higher than before. Post covid but within

James Blackburn commented on the increase in time taken by Social Security Scotland to decide whether to accept an application for the Funeral Support Payment, and was now well over the two weeks previously announced; sometimes it can be four weeks which makes it very difficult for families who wanted to know whether an application was successful before booking and arranging a funeral.

Jeremy Balfour said the two week period had been scrapped.

Action point: To write to Social Security Scotland asking them about the delays and whether the two-week decision period had formally been discarded, and if so, why and what was the new assessment period.

Andrew Judd provided context with a precis of what was happening in England and Wales. He said delays were commonplace around issuing a death certificate and that funeral directors were being asked to provide video access for GPs to confirm death, which is illegal. He said the NAFD was concerned about recording or reporting on mobile phones and devices with the Fuller inquiry ongoing. Families were finding it harder to get appointments to register death, which is distressing them.

He said hospitals were imposing charges on funeral directors who were not collecting deceased persons, but these had not been agreed and many FDs cannot collect because they are already full because of delays elsewhere, especially as more were being asked to store deceased persons on behalf of a local authority ahead of a post mortem. He said the infrastructure is at breaking point.

He said the issues were being raised with the Ministry of Justice and COBRA.

Action point: To write to the Inspector of Funeral Directors to make him aware of the challenges the profession is facing.

Agenda item 6

6. Presentation by Mark Hazlewood, Scottish Palliative Care, on bereavement policy.

Mr Hazlewood gave a presentation update on the various bereavement studies and reports that had been conducted and produced in 2022/23. The presentation will be sent out with the papers of this meeting.

He said he may ask the group to invite a Scottish Government representative to attend to discuss its bereavement policy once it releases its initial response to the Bereavement Summit and Bereavement Commission reports.

Agenda item 7

7. Future speakers

The group agreed to ask Maree Todd, Minister for Public Health, to attend the next meeting to provide updates on the water cremation public consultation and regulation and licensing of funeral directors.

Agenda item 8

8. Time and date of next meeting.

The next meeting will be held in June 2023, date TBC.

Agenda item 9

9. Presentation by Liam Boyle, William Purves Funeral Directors, on embalmers' concerns over risk infection from deceased persons.

Liam Boyle gave a presentation detailing concerns that funeral directors and embalmers are not being given vital information about potentially highly infectious and dangerous diseases being carried by deceased persons they are embalming.

The presentation also covered issues around deterioration caused by delays, which can make it difficult to embalm, and raised questions about pathologists' normal practice of removing the carotid arteries during a post mortem, saying it made it very difficult to embalm and therefore made it difficult to present the deceased person for viewing. He said most pathologists he spoke to said it was not necessary to remove the artery and called for them to be made aware of the effect the practice had.

Mr Boyle said digital autopsy should be considered as the future of post mortem.

The presentation will be sent out with the papers from this meeting.

Action point: To include this aspect in the letter being written to the Lord Advocate.