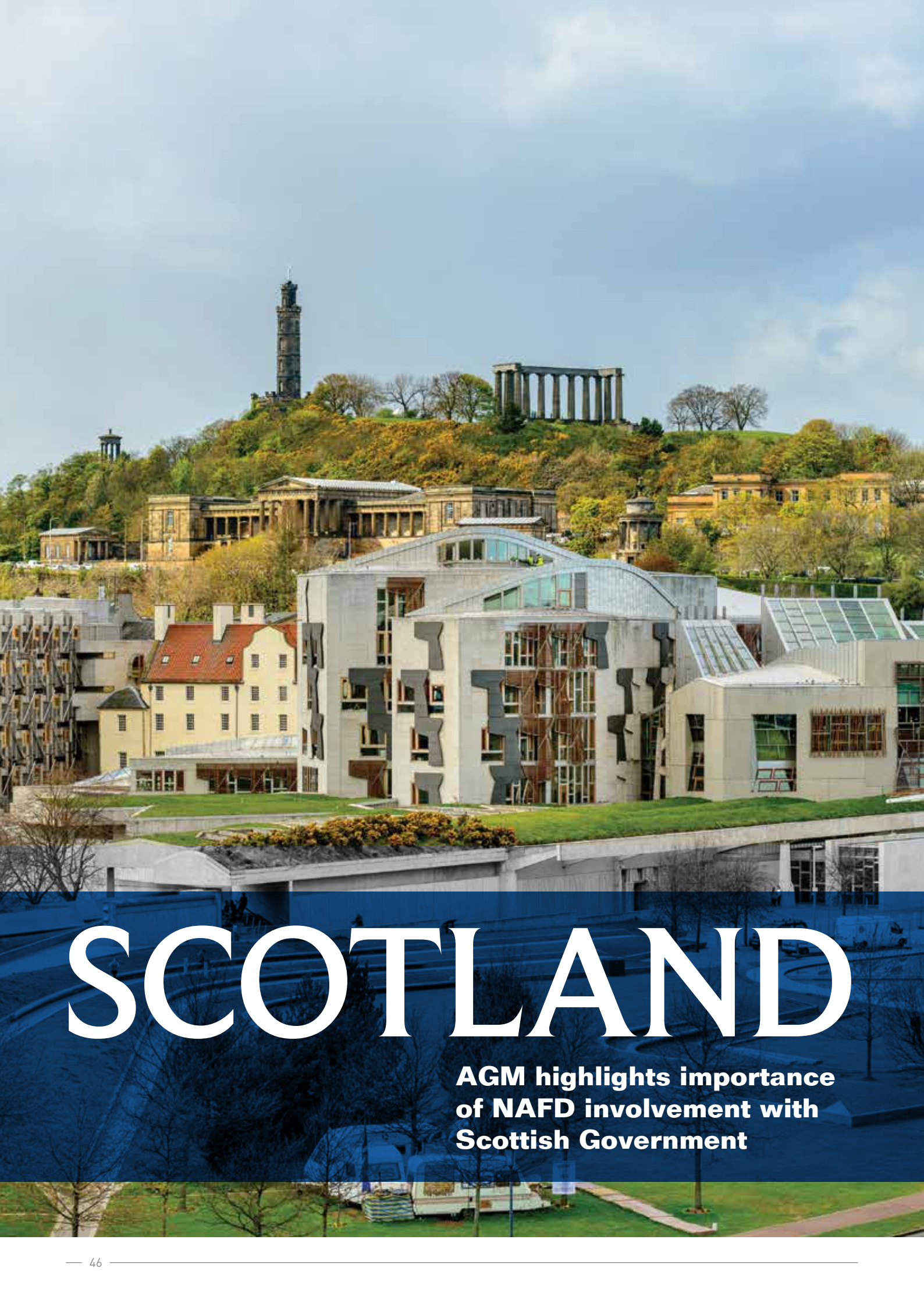




SCOTLAND

**AGM highlights importance
of NAFD involvement with
Scottish Government**

With Scotland's first Inspector of Funeral Directors, Natalie McKail, due to provide her recommendations on regulation to the Scottish Government by the end of the year, the recent NAFD Scotland Annual General Meeting was a particularly important occasion.

"IN PARTICULAR, WE ARE NOW CONSIDERING WAYS THAT SQM INSPECTIONS CAN BE ADAPTED IN ORDER TO BETTER SUPPORT AND PREPARE MEMBERS FOR WHAT LIES AHEAD."

**BY PAUL CUTHELL
PAST PRESIDENT**



The meeting heard that the work of the NAFD continued to provide valuable insight into Ms McKail's thinking and the Scottish Government's likely direction of travel. We have been reassured by most of what we have heard, allowing us to feed this useful information back into our own internal functions to ensure we are ready to do everything necessary to support and prepare our members for regulation.

It hasn't, though, all been positive news. The NAFD sought legal advice in the Autumn in relation to how the formal consultation process was being conducted and the areas we felt were opaque. As a result, neither the NAFD nor SAIF responded to the consultation.

Based on the subsequent discussions we have had with the Scottish Government, we are hopeful that legal action will no longer be necessary at all. However, we still have concerns about the way in which the formal consultation exercise was conducted and remain ready and willing to revisit this option if necessary.

In December 2017, the Scottish Government and the Inspector of Funeral Directors provided a formal written response to the Stirling Agreement, making it clear that the Scottish Government did not share our view that trade association inspectors should form part of a formal regulatory framework.

We were disappointed by this news, particularly as we felt our Standards and Quality Managers (SQMs) are perfectly placed to act as the first tier of a regulatory framework. Nevertheless, we welcome the clarity as it allows us to start planning for the future. In particular, we are now considering ways that SQM inspections can be adapted in order to better support and prepare members for what lies ahead.

The response also made clear that the Scottish Government plans to produce its own code of practice, separate to the draft joint code of practice proposed by the NAFD and SAIF. We initially viewed this as a rejection of our draft joint code of practice. However, the Inspector has since indicated that she simply views her remit as being slightly distinct from that of the trade associations, particularly that she does not feel her remit should extend quite as far as our codes of practice do in relation to contractual disputes and related client care issues.

We are providing direct support to the Inspector by organising and facilitating a series of code of practice development working group meetings. The NAFD is represented on this group by myself, Gary O'Hara (Standards and Quality Manager), and Morgan Harris (Policy and Legislation Manager), and other trade organisations are also represented.

The stated purpose of the group is to assist Ms McKail in exploring the current standards for operation, training and care of the deceased used by funeral directors and how these existing standards might inform a future code of practice. Meetings took place in February and March, with a further meeting planned in April.

We are particularly keen to use these meetings to ensure Natalie McKail is fully aware of the practical difficulties facing our members, so that the standards eventually imposed are both reasonable and achievable. If members have any specific questions or concerns about how regulation might impact their business, they are encouraged to contact Morgan at morgan@nafd.org.uk.

FUNERAL DIRECTORS WILL BE GIVEN TIME TO ADJUST TO REGULATIONS

As you may have read in this month's *Dispatches* article, Natalie McKail attended the Scottish Parliament Cross Party Group for Funerals and Bereavement on 29 February as a guest speaker.

She informed the group that she had completed 43 inspection audits in total. She was generally very complimentary of those firms she had inspected, saying that the profession had been responsive to her requests. She also said she felt that there was an appetite for improvement across the sector.

Ms McKail acknowledged the wide-ranging differences across the sector, with large and corporate firms often taking very different approaches to their smaller counterparts. She expressed concern that some firms continued to rely on "gentlemen's agreements" for essential services (e.g. off-site refrigerated storage) and indicated that a requirement of regulation could be to formalise such agreements. She said she could look to firms to produce written "self-improvement strategies", setting out how they intended to learn from complaints, feedback and mistakes.

In response to a question we put to her, Ms McKail clarified that inspectors

would never have the power to close down a business. Such severe action would require Ministerial approval and would only be considered when it became clear that improvements could not be made.

In response to another NAFD question, she provided reassurance that funeral directors would be given ample time to adjust to any new standards and make changes. She explained that she was in the process of determining what practice is 'good' and what should be considered 'tolerable'. If licensing is introduced, funeral directors will need to demonstrate that they do not drop below 'tolerable'. Where issues arise, these will likely be addressed by issuing "improvement notices" in the first instance.

Natalie has given examples of the types of internal processes/policies funeral directors might want to start thinking about:-

- having a clear complaints process;
- clear processes for the storage of the deceased and of property;
- risk management (e.g. continuity of service in the event of equipment breakdown, etc).

Ms McKail's recommendations are likely to be provided to Ministers before Christmas. Following this, the NAFD has been assured that we will have the opportunity to formally comment on all draft regulations relating to the mandatory code of practice and Inspector's powers.

NAFD WORKING ON BEHALF OF ITS MEMBERS

There are several members who represent NAFD Scotland, and I am thankful to James Blackburn, James Morris, John Williamson, Andy Brown, Tim Purves and Gerry Boyle for the groups that they are involved with. For example, James Blackburn was involved in the NHS Lothian Stakeholders training day in relation to infant cremations.

It is frustrating that other health boards still do not appear to be holding such meetings, despite this being a recommendation from Lord Bonomy and the NAFD providing names to each health board of representatives who were happy to attend. James also sits on the Scottish Poverty Group and a number of other groups.

New NAFD Scottish President, James Morris, has attended the Good Life, Good Death, Good Grief Group, and I have been contacted by the chaplain at my local hospice in relation to hospice funerals and what the NAFD's views are on these, so it would appear that this is no longer something that only concerns our members in England.

Finally, a word of caution to members right across the UK. Recently, as we were hit by the bad weather, we moved to reassure the public through the media that our members would do all they could to maintain a level of service, and I was certain that there would be minimal disruption. Sadly, this proved not to be the case in my own area, as the local authority cancelled all burials and cremations at 9:10am on the Thursday morning, something I think is completely unacceptable in this day and age.

It was the Monday before any cremations took place, and the Tuesday for interments. Subsequently, due to office opening hours and other issues, no new bookings could be made until late on the Tuesday afternoon, resulting in six clear days where bookings could not be made.

The reason I mention this is that the NAFD has attended numerous pandemic planning meetings during which we have suggested that we will do all we can in extreme situations, but we must have the support of registrars and both the cemetery and crematoria authorities.

This situation has served to highlight just how ill-prepared my own local authority is, and I would urge you to make the NAFD aware if you have experienced similar situations as we intend to raise our concerns, particularly as the Inspector of Funeral Directors is regularly asking NAFD members what contingency plans we have in place for times of emergency.



Back row – William Stanley (ICCM), Morgan Harris (NAFD), Andrew Beveridge (Dignity), Stuart Murdoch (Co-op Funeralcare), Mark Porteus (SAIF), Paul Cuthell (NAFD), Alasdair Macleod (BIFD), James Brodie (SAIF)
Front row – Joe Murren (SAIF), Natalie Volichenko (NAFD), Gary O'Hara (NAFD), Karen Caney (BIE), Cheryl Paris (Scottish Government), Natalie McKail (Inspector of Funeral Directors)



STATEMENT FROM THE SCOTTISH GOVERNMENT ON ITS FUNERAL COSTS PLAN

We recently received the following summary from the Scottish Government regarding its investigation into costs across the funeral sector:-

A key part of the Scottish Government's work on funeral poverty in 2018 is to produce guidance on funeral costs for local authorities, private burial and cremation authorities and funeral directors.

The Scottish Government's Funeral Costs Plan (FCP) was published in August 2017 and sets out a range of actions that the Scottish government will take, working with other stakeholders, to tackle funeral poverty.

Action 2 commits the Scottish Government to publish guidance on funeral costs by December 2018. This guidance is provided for under Section 98 of the Burial and Cremation (Scotland) Act 2016.

The Scottish Government expects that the guidance will examine:-

FUNERAL DIRECTORS AND NON-LOCAL AUTHORITY CREMATORIA

- Definitions: consistency of definitions to describe services offered by funeral directors; seeking agreement on definition of basic or simple funeral in order to make consumer comparison easier.
- Transparency: greater transparency and prominence of pricing information.
- Cost drivers.
- Flexibility around charging of deposits and agreeing payment plans.

LOCAL AUTHORITY CHARGES (BURIAL AND CREMATION)

- Cost drivers.
- Standardisation of presentation of cost information.
- The charge-setting process.
- Presentation and accessibility of pricing information on local authority websites and any different tiers of charging.
- Benchmarking between local authorities and sharing of best practice.

ENGAGEMENT

At an initial meeting with the Scottish Government, the NAFD and SAIF sought clarification about the target audience for the guidance. Early indications are that the guidance will be directed at Funeral Directors and Crematoria, rather than the general public. The NAFD will continue to press for information about the intended purpose of the guidance and how it is envisaged that this will be achieved.

Scottish Government officials have arranged visits to funeral directors' premises in order to better understand the day-to-day work that funeral directors undertake and the different models. Meetings with local authorities and private crematoria are also planned.

PROCESS AND TIMESCALES

They anticipate key milestones and timescales as follows:-

January – May 2018	Drafting of guidance in consultation with stakeholders
June 2018	Launch public consultation on draft guidance
Sept 2018	Analysis of consultation responses
Sept – Nov 2018	Redrafting of guidance
December 2018	Guidance laid before Parliament and published on the Scottish Government website