



“Pivotal time”

FOR INSPECTOR AS REPORT DEADLINE LOOMS

With only two months to go before Natalie McKail, Scotland's Inspector of Funeral Directors, submits her recommendations to Government Ministers regarding the licensing of the profession, she joined NAFD members in Inverness for a lengthy question and answer session, laying out her thoughts on a wide range of matters.

The session was attended by NAFD and SAIF members, and followed the NAFD Scotland Second General Meeting. Jon Levett, the new NAFD Chief Executive Officer, was introduced to the audience and said that he was delighted that, in his first week, he was able to visit Scotland at such an important time for the profession.

Earlier in the day, Mr Levett had visited his first funeral home, having been given a tour of John Fraser & Son in Inverness by proprietor Vicki Fraser and manager Drew Green, alongside outgoing Chief Executive Officer Graham Lymn and Morgan Harris, the NAFD's Policy and Legislation Manager.

In an initial question session with Nick Britten from Wordsmith Communication, Ms McKail described the period leading up

to her report being submitted at the end of December as a “pivotal period”, but indicated that there was still much consultation to be done on issues such as licensing and a statutory code of practice.

“It isn’t the case that it’s all done and dusted when I hand in my recommendations,” she said. “For some areas of work, it’s only the start of another consultation process that will eventually lead to the introduction of a regulatory framework. However, some form of regulation is coming, it is going to happen, but I am confident that, with your help, it will be fair and proportionate.

“Funeral directors and trade bodies have played a huge part in what has been achieved so far, and will continue to do so. We need all of you to help us get it right. It is essential that regulation makes good and practical sense, and that funeral directors can understand what is expected of them.”

Ms McKail said that licensing was not a foregone conclusion and did not necessarily need to be part of regulation. It had not yet been decided whether licensing would be introduced, as this would be for Ministers to decide, and whether it would focus on businesses or individuals.

However, she added: “Without licensing there will still be no way to identify funeral directors. I ask myself, does this leave something missing? In my view we do need that information.”

Ms McKail’s recommendations will be studied by Ministers, who will then lay out their recommendations to Parliament. She said she expected to take “until at least the end of next year to start rolling out any aspect of regulation” and it was likely to be introduced in stages, as was the rest of the Burial and Cremation (Scotland) Act. Before then, she said, there were plenty of consultations and opportunities to influence the road ahead.

Asked about her definition of a funeral director, which was certain to play an important part in who was and wasn’t covered by the legislation, she said: “In my view it is not about a person’s job title, but about their activities. I think it is fine if businesses want to set up performing only component parts of the process but, in my view, they would fall under the definition.

“I wouldn’t want some funerals to be covered but others not, simply because the service provider wasn’t called a funeral director.”

Having spent well over a year touring the length and breadth of the country meeting people and inspecting premises, she told the audience that she had formed good ideas



Natalie McKail, Inspector of Funeral Directors in Scotland

around the inspection regime, and said it was important that there were clear parameters set out in advance.

Decisions were to be made as to whether inspections would be announced or unannounced, as both had benefits. While planned inspections would help funeral directors prepare properly, unannounced ones could be preferential in cases where specific concerns had been raised.

Moving on to the code of practice, of which an initial draft had already been circulated to key stakeholders, she said it would not apply to third party providers, for example suppliers or celebrants, only those who cared for the deceased.

Responsibility for upholding standards for suppliers or third-party providers would rest with the funeral director who sub-contracted them.

She said the code of practice was crucial to future regulation, and laid out “what good looks like” as the profession headed into “unchartered waters for regulation and service delivery”.

The NAFD has offered to work with the Scottish Government to produce guidance on the code of practice which should help make it clearer as to whom it applied.

Taking questions from the floor, Ms McKail responded to a question from Ewan Dow in respect of poor standards in care homes and hospitals impacting on the condition of the deceased prior to the funeral director taking them into their care, by saying she would reiterate these concerns to Scottish Government colleagues.

She added: “It is important that all links in the chain are as strong as each other.”

Representatives at the NAFD Scotland meeting (L-R): Graham Lymn (outgoing NAFD Chief Executive Officer), Jon Levett (new NAFD Chief Executive Officer), Andrew Brown (member of the NAFD Scotland Executive), James Morris (NAFD Scotland President) and Fiona Kenny (NAFD Scotland Secretary)



Jon Levett, the NAFD's Chief Executive Officer, raised the issue of future governance of regulation and who would be responsible. Ms McKail said that it was a "crucial consideration" and noted the existence of the Parliamentary Cross Party Working Group and Enforcement Concordat. She said: "I am having internal conversations about this and the role of trade bodies in ensuring the framework is fit for purpose with intended consequences. It is important that the regulatory framework does not remain static in the future with new services arriving on the market, and the sector has confidence that the regulators can also be held to account. There needs to be a way to ensure regulation remains fair and proportionate, and a route for regulated parties to raise complaints if they need to."

Peter O'Neil asked Ms McKail what her thoughts were on formal education requirements, and she said it continued to be a topic of great discussion. She urged funeral directors to give their views when the code of practice goes out for formal consultation, and suggested that the idea of 'grandfather rights' had been raised previously, ie someone who had gained extensive knowledge through working as a funeral director for a long time, rather than perhaps having formal qualifications. She acknowledged the need to understand the "supply chain" if requiring all funeral directors to have a formal qualification.

When asked how she saw trade associations fitting into the picture in future, Natalie said that regulators and trade associations should have a complementary relationship. She said that she didn't see the value of a trade association inspection being diminished by regulation. To the contrary, she suggested that it could carry weight with inspectors when determining the level of risk that a business posed.

She added that any future framework needed to recognise and reflect the value of trade association membership. She would be visiting Mr Levett at NAFD National Office in a few weeks' time after requesting a meeting to discuss possible licensing.

Ms McKail said that, since she had started her role, she had worked hard to understand the work and views of the funeral profession and acknowledged the work of the Code of Practice Short Life Working Group (SLWG), of which the NAFD was a member, in helping her to do this, as well as assisting her in helping shape the early drafts of the Code of Practice.

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