

The Scottish Government’s “Funeral Director: Code of Practice”

Consultation Analysis Report

February 2021

Table of Abbreviations

BIE	British Institute of Embalmers
BIFD	British Institute of Funeral Directors
CMA	Competition and Markets Authority
CPD	Continuous Professional Development
FA	Funeral arrangers/administrators
FS	Funeral service operative/assistant/ driver/bearer
NAFD	National Association of Funeral Directors
SAIF	National Society of Allied and Independent Funeral Directors
SCQF	Scottish Credit and Qualifications Framework
SLA	Service Level Agreement
SMEs	Small and medium-sized enterprises
SQA	Scottish Qualifications Authority

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Executive Summary

Between June and September 2019 the Scottish Government undertook an online consultation on its proposed Funeral Director: Code of Practice. The consultation was comprised of 18 questions, and collected information in both survey and open-ended comment format. The initial analysis of responses was conducted in late 2019, however the onset of the coronavirus pandemic in early 2020 resulted in a delay to publishing this analysis report.

The consultation focused on the sections of the draft statutory Code that would potentially have the greatest impact on funeral directors (assessed from understanding of the sector and stakeholder discussions during development of the Code). It also included four questions about funeral industry staff qualifications, which are not currently in the Code but are a key area of consideration for future regulation of the industry.

The consultation received 86 responses (52 from organisations and 34 from individuals).

Main Findings

Respondents generally supported the Code and its intentions. A majority of respondents who were funeral directors expressed that they were mostly or fully compliant with the Code in its draft form.

However, the consultation also provided valuable feedback on, and critiques of, the Code by respondents. In summary:

- The majority of respondents indicated the requirement to have a designated and fit for purpose care facility or mortuary would not have an impact on their business, and further expressed support for this requirement in open-ended comments.
- The majority of respondents indicated that the requirement to refrigerate deceased people would not have an impact on a funeral director's business. A majority also expressed agreement with the proposed ratio of the number of refrigeration spaces to number of deceased people per year at 1 to 50. However, the open-ended comments demonstrated that this issue is complex and potentially needs greater clarity and flexibility. Most respondents also expressed agreement that there should be flexibility for funeral directors to provide refrigeration either as part of their business model, or to be able to access refrigeration by means of a formal Service Level Agreement (SLA) with a refrigeration provider or another funeral director.
- Most respondents indicated they were supportive of funeral directors providing viewing of the deceased as a service, and did not think that offering viewing would have an impact on a funeral director's business. Some respondents stated this requirement was already standard practice.

- Regarding implementation of the Code, respondents most frequently selected '18 months' as a reasonable time period to allow funeral directors to meet the Code's requirements. Regarding record-keeping, respondents most frequently selected the option of keeping records for 50 years. Both of these findings were aligned with the Scottish Government's own proposals.
- Respondents appeared divided about whether the standards set out in the Code will raise barriers for people considering entering work in the funeral director industry for the first time. However, among those who expressed that the Code would be a barrier to new entries, they frequently noted that this would in fact be beneficial to the industry and ensuring standards were maintained.
- The majority of respondents noted that the Code would not be a barrier to funeral businesses' plans for expansion, or innovation in the industry.
- The majority of respondents suggested the Code could be broader in terms of the types of incidents it requires to be reported to Inspectors. In addition to 'damage to ashes' and 'complaints about the care of deceased persons', respondents noted any events or incidents directly involving deceased peoples' bodies or remains (including loss or misidentification of bodies or remains) were necessary to report.
- Across the consultation, respondents noted that the Code may disproportionately impact different types of businesses, such as small and medium-sized, independent, or non-traditional funeral director businesses. From an equalities perspective, respondents from faith-based organisations asked that the Code require funeral directors to signpost their clients to free support and celebrant services provided by faith-based organisations. Further, comments expressed concern that introducing new standards may lead to increased funeral costs, and that these may particularly impact people on low incomes.
- Respondents suggested the Code's requirements should be more detailed in some sections, and identified a need for greater clarity around terms used (e.g. "client", "invasive procedures", or "funeral director").
- Respondents noted that significant investment by funeral directors might be required to meet the Code's requirements.

While training and qualifications were not included in the draft Code (the Scottish Government is currently unable to require Scotland's funeral directors to achieve a particular level of training or qualification), the consultation sought to explore respondents' views on this matter. Overall, respondents generally agreed that funeral directors, funeral arrangers/administrators, and funeral service operatives/assistants/drivers/bearers should be accredited by an official accreditation body, such as the Scottish Qualifications Authority (SQA), or another official UK accreditation body. Additionally, the majority of respondents agreed that these groups should undertake training and receive qualifications that are primarily

vocational in nature, with a focus on gaining practical skills over more classroom-based learning. Further, that accredited training and qualifications should be available to those wanting to undertake embalming courses in the future.

Next Steps

The Scottish Government will be taking steps to consider the draft Code in light of responses received. This includes further consideration of accreditation of funeral directors (and embalmers), given that respondents generally expected these groups to require accredited qualifications to practice. Additionally, the Scottish Government will be seeking further views from small, independent, or rural funeral director organisations. This is because of the potential impact the Code may have on these businesses, as reported by consultation respondents, and the relatively few responses received to the consultation from small or rural funeral directors.

1. Introduction and background

This report presents the analysis of the Scottish Government's public [consultation](#) on its proposed Funeral Director: Code of Practice (the Code), as per [Section 97](#) of the Burial and Cremation (Scotland) Act 2016.

The Code

The Code will enhance funeral directors' standards of care for deceased people and standards of support for bereaved people in Scotland, by setting requirements (a set of minimum standards) across a range of different areas ('sections' in the Code). The sections of the draft Code are:

1. Engagement of a funeral director¹ and transfer of deceased people;
2. Care of deceased people and the premises used by the funeral director;
3. Planning of the funeral service according to the wishes of deceased and bereaved people;
4. Delivery of the funeral;
5. Complaints; and
6. Business continuity and managing risks.

The Code aims to achieve the following outcomes:

- Increase transparency of choice of goods and services to help customers make informed decisions.
- Ensure standards of care in relation to care of the deceased are met.
- Create and promote a common understanding of good practice in relation to care of the deceased.

Funeral directors will be inspected against the Code and other regulations. They will also be required to meet the requirements of a licensing scheme (to be developed). The Scottish Government will publish inspection reports and actions will be taken against funeral directors who do not meet the set requirements.

The Code was developed in 2019 by the Short-life Working Group on Care of the Deceased (SLWG), chaired by Natalie McKail, former Inspector of Funeral Directors. The purpose of the SLWG was to explore 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.² In doing so, the SLWG's Terms of Reference stated the group would:

¹ For the purposes of the Code a funeral director is defined as: "A person whose business consists of, or includes the arrangement and conduct of funerals". This definition is set out at section 31 of the Certification of Death (Scotland) Act 2011 which replicates that in section 62 of the Civic Government (Scotland) Act 1982 (as amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006).

² [Appendix 3 - Short life working group documentation \(www.gov.scot\)](#)

- Ascertain which standards currently exist including industry standards, Health and Safety Executive standards, trade association standards, other guidance.
- Identify areas of good practice within existing standards, guidance etc. and gaps or areas for improvement.
- Use their practical knowledge and expertise to define five or six key themes of care.
- Define the underpinning principles for a future statutory Code of Practice.

Members of the SLWG included: independent funeral directors; the National Association of Funeral Directors (NAFD); the National Society of Allied and Independent Funeral Directors (SAIF); the British Institute of Embalmers (BIE); the Institute of Cemetery and Crematorium Management (ICCM); Co-operative Funeralcare; and Dignity Plc. Members participated in four workshops held over four sessions in 2018 to develop the Code.

Representatives and members of the associations on the SLWG had the opportunity to respond to this consultation.

The Consultation

The Funeral Director: Code of Practice Consultation ran online between 21 June and 20 September 2019 and received 86 responses. The consultation questions focused on the sections of the draft statutory Code that would potentially have the greatest impact on funeral directors. The consultation also included four questions on the topic of qualifications. Although funeral industry qualification requirements are not in the draft Code, the Scottish Government was also keen to understand industry views on this subject in order to inform the Government's thinking on regulating the industry.

The consultation consisted of 18 questions. Most of these included a fixed response question (i.e. selecting a response from a range of options) along with the option to provide further comments to explain their answer. Two questions were exclusively open-ended – question 16 on equality impacts and question 18, which invited respondents to provide any other comments they wished to make on the Code. The consultation document is available on the Scottish Government's consultation hub website at: <https://consult.gov.scot/population-health/funeral-director-code-of-practice/>.

Analysis and Reporting

This report presents both quantitative findings (the number responding a certain way) as well as qualitative information (detailed information about written responses). Responses were downloaded into a Microsoft Excel spreadsheet³ and were analysed on a question-by-question basis. Responses to the closed questions are reported in tables of results. Responses to the open-ended questions were

³ Responses received via email were manually input into the online Consultation Hub system prior to downloading.

analysed using a Thematic Analysis methodology, which focuses on identifying themes in the data. The aim was to identify the most common points made, as well as the range of views expressed in relation to each question. These data are presented descriptively, and supported by direct, anonymised quotations from respondents (where permission was given for responses to be published).

The questions asked in the consultation were intended to increase the information available to the Scottish Government about topics within the draft Code, particularly about areas deemed to potentially impact the sector most. For reporting purposes, the analysis is divided into seven sections, which groups together questions on a similar theme:

1. Facilities: Questions 1-5
2. Qualifications: Questions 6-9 and 11
3. Timeframes: Questions 10 and 12
4. Barriers: Questions 13-15
5. Impacts on the People of Scotland: Question 16
6. Reportable Incidents: Question 17
7. Other comments: Question 18

Like other consultations, the responses to this consultation are not necessarily representative of the views of the wider public. Anyone can submit their views to a consultation and individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation respondents cannot be generalised to the wider population. For this reason, the main focus in analysing consultation responses has been to understand the range of views expressed and the reasons for those views.

Profile of Respondents

The Scottish Government was keen to gather the views of funeral directors, local authorities, private burial or cremation authorities, funeral industry trade body representatives and any other groups or individuals with a working knowledge of funeral directing, burial, cremation or the wider funeral industry. The Scottish Government also wanted to hear from members of the public. Responses were received from all groups. Most responses were received through the online [consultation hub](#), with a minority received by email.

Of the 86 responses, 52 (60%) were received from organisations and 34 (40%) from individuals. Organisation respondents were asked to identify which organisation they were responding on behalf of (see Tables 1 and 2). The largest category of respondent was 'funeral director organisation' (31 responses).

Table 1: Distribution of responses by category of respondent.

Category	Number of respondents	Percentage of all respondents ⁴
Individuals	34	40%
Organisational representatives	52	60%
Total	86	100%

Table 2: Distribution of responses from organisations

Category of Organisational Representative	Number of respondents	Percentage of all respondents (n=86) ⁵
Funeral director organisation	31	36%
Funeral industry trade body	4	5%
Health body	2	2%
Local government	4	5%
Faith/religion based organisation	8	9%
Other organisation (e.g. guidance, sales)	3	3%
Total	52	60%

⁴ All percentages are rounded to the nearest whole number

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2. Facilities: Questions 1-5

Question 1

If you own or operate a funeral director business, will the requirement to have a designated and fit for purpose care facility or mortuary as outlined in the Code have an impact on your business?

Sixty-one out of 86 respondents answered Question 1 (see Table 3). The majority of respondents (49) to Question 1 selected 'no', indicating that the requirement to have a designated and fit for purpose care facility or mortuary would not have an impact on their business.

Table 3: Responses to Question 1.

Answer	Number
Yes	5
No	49
Don't know	7
Total	61

The majority of open-ended comments expressed support for the requirement for funeral directors to have a designated and fit for purpose care facility or mortuary. Some commented that this was critical for any funeral director business. Many respondents indicated that they, or their members (if trade bodies), were already compliant with this requirement. A minority of these also linked the requirement to health and safety improvements for their business. They indicated that they saw the health and safety benefits of investing in their facilities and equipment beyond practical or purely functional considerations.

Of the five respondents who selected 'yes', indicating that the requirement would impact their business, two clarified that the impact would be positive, citing for example the creation of "confidence in the general public". Another simply noted they already had their own private mortuary facilities (similar to many respondents who answered 'no').

The two remaining respondents who selected 'yes' identified the need for nuance in these decisions, with one noting that the services expected are vastly different in different communities. For example:

"We are Island Based and currently use the NHS mortuary facilities at our local hospital for the storage of deceased. Whilst the NHS mortuary is currently being upgraded to improve facilities I think it is unreasonable to expect small family funeral directors to invest in mortuary facilities for their premises when NHS facilities are more than adequate to provide this facility. I think individual consideration should be given in smaller communities". (Funeral director individual)

Some respondents felt that the Code should be made clearer in respect to the requirement to have a designated and fit for purpose care facility or mortuary. Comments ranged from the need to clarify small ambiguities to calls for a re-thinking and re-writing of the entire requirement. Some respondents suggested that the wording may allow for different interpretations of the requirement and, therefore, could render it ineffective if left unchanged in its proposed form. For example:

“...If it is a requirement that every funeral director have bariatric sized refrigeration, many will not have the space.” (Funeral director organisation)

“We agree that all care of the deceased should take place at locations that are fit for purpose but would question the usefulness of the additional requirement that all care of the deceased must take place at locations “specifically chosen for that purpose”. In the absence of guidance on how such a choice should be made we cannot see that this restricts a funeral director’s choice of location at all – a funeral director could specifically choose a completely inappropriate location and remain compliant with this provision of the Code.” (Funeral industry trade body)

Seven respondents indicated that this requirement may disproportionately affect small and medium sized enterprises (SMEs) and rural funeral directors, who may not be able to meet the cost and space requirements to have their own care facilities or mortuaries. One respondent commented that different parts of the country serve different local communities and what may work for metropolitan based funeral directors may not necessarily translate easily for funeral directors operating in rural areas. For example:

“Working with many funeral directors I realise the services expected are vastly different in different communities. Funeral Directors who are based in areas with low population density and where often the family and friends are more hands on may not require an elaborate premises.” (Individual)

A final concern was about how families that wish to care for deceased relatives themselves (e.g. in the family home) may be affected by this requirement. For example:

“I’m intrigued to know if any provision has been made for families who may wish to take care of the person who has died at home, and not engage a funeral director or use mortuary facilities. We often find ourselves helping families to keep the person who has died at home at their request and I’d like to see something put in place to ensure this can still continue.” (Funeral director organisation)

QUESTION 2

The Code sets out a ratio of the number of refrigeration spaces to number of deceased people per year at 1 to 50. Do you agree with the ratio of 1 to 50?

Seventy-three of the 86 total consultation respondents answered Question 2 (see Table 4). The majority (42) expressed agreement ('agreed' or 'strongly agreed') with the proposed ratio and 22 expressed disagreement ('disagreed' or 'strongly disagreed'). However, the open-ended comments demonstrated that this issue is complex and potentially needs greater clarity and flexibility.

Table 4: Responses to Question 2

Answer	Number
Strongly agree	10
Agree	32
Disagree	15
Strongly disagree	7
Don't know	9
Total	73

Of the open-ended comments provided, around half appeared to support the proposed ratio, however, many of the comments included caveats, expressed reservations or offered suggestions to improve the Code's clarity.

For example, some suggested that the proposed ratio was only a barely acceptable minimum or was insufficient:

"I agree but believe this should be a minimum ratio I would prefer to see 1:30 to cope in exceptional busy times." (Funeral director organisation)

"... If a company is providing 50 funerals a year - are you assuming that they will only be storing 1 body at a time? And likewise, if a company is providing 200 funerals a year (which would make it a busy business) - having a mere capacity of 4 refrigerated spaces would not be anywhere near sufficient to guarantee a proper storage of bodies. What happens to those bodies that will have to remain unrefrigerated possibly for weeks? This is hugely insufficient!" (Funeral director organisation)

Relatedly, others stated the ratio was a good starting point, but highlighted the importance of building flexibility into the final requirement. This included flexibility in terms of time, seasonality, or business needs. A set of respondents also noted that the number of people who die at any given time is largely unpredictable and that more thought needs to be given on how this requirement is ultimately written in the Code:

"1 to 50 is a reasonable number to start but will there need to be adjustments in the future to account for periods of high volume e.g. Christmas and New Year breaks, Procurator Fiscal delays etc. Also does the volume of embalming to

deceased in care have to be taken into account for businesses operating with fewer fridges” (Funeral industry trade body)

“... there is a risk that, by prescribing a specific number of refrigeration spaces, regulated parties will focus solely on achieving compliance with this requirement and will lose sight of the outcome it is seeking to achieve... Our suggestion would be to insert a mandatory requirement that all funeral directors should take reasonable steps to ensure they have a sufficient refrigeration spaces available, taking into account their business needs and all the information available to them. This mandatory provision could then be accompanied by some helpful guidance, suggesting that a ratio of 1 to 50 (or whatever ratio is deemed appropriate) is likely to be adequate for the majority of businesses.” (Funeral industry trade body)

“Because of the irregular nature of death there may be a large number at one point and none at others. Making it very hard to quantify a ratio but feel it perhaps should be nearer to 1 to 25.” (Funeral director individual)

The comments raised a number of further issues with the proposals around refrigeration spaces. Some respondents questioned how ‘future proof’ it was, stating that things like population ageing, climate change and changing social mores (e.g. increasingly extended periods between the date of a person’s death and their funeral) might render this ratio inadequate. Several respondents specifically highlighted the impact on the NHS that the refrigeration requirement may have:

“There are times of the year when the death rate is higher, for example winter illnesses and bad weather can impact on death rates. Deceased have to be stored longer when registrars, GPs, COPFS and burial and cremation authorities are closed for longer periods over Christmas and New Year. Often NHS premises are used as free storage by funeral directors who do not have spare capacity. This impacts on the NHS and their ability to function.” (Individual)

In addition, some respondents felt the proposed ratio may disproportionately affect SMEs/rural funeral directors more than large/metropolitan funeral directors. Some of these responses highlighted external factors that need to be taken into account when setting the ratio or suggested how the potential effect(s) of this requirement on SMEs/rural funeral directors may be mitigated by the businesses themselves:

“I think more to the ratio of 1 to 30 as with the closure of local hospital mortuaries in [local area], our refrigeration facilities can be used more frequently than before.” (Funeral director organisation)

“We consider that multi-site operators such as ourselves should be able to operate safely and efficiently at a lower ratio than smaller funeral directors or single site operators. However, it may be appropriate to consider setting the ratio based on the number of funeral homes owned and operated by providers in a particular geographical area rather than on an individual home basis.” (Funeral director organisation)

“Refrigeration should be a requirement, a ratio of 1 to 50 is certainly a reasonable assessment. Smaller firms may not have the space or money to install refrigeration, but our members feel they should look to have an agreement in place to give them access to refrigeration if required.” (Funeral industry trade body)

A small number of respondents also offered alternatives to a set ratio requirement for the Scottish Government to consider. These dealt with access to space and transparency for consumers:

“If [T]he Scottish Government is intent on imposing compulsory access to refrigeration it would make far more sense to propose a requirement of either provision of or access to sufficient refrigerated space to ensure that all those in their care can be kept in refrigerated conditions at all times.” (Other organisation)

“... there must be adequate provision of refrigeration spaces. However, we believe that the best way to address this is through increasing transparency to consumers on provision, rather than making it a mandatory requirement to have a specific ratio.” (Funeral director organisation)

Finally, similar to Question 1, one respondent also raised the issue of how families might be supported to care for the deceased person at home for a period of time, in light of this potential requirement:

“Adequate refrigeration facilities is crucial for the sensitive care of the deceased. However, I also work with families to keep their loved ones at home for periods of time - with appropriate cooling system and would hope this aspect would continue to be supported - with managed help and guidance from the Undertaker.” (Funeral director individual)

QUESTION 3

Do you agree there should be flexibility for the funeral director to provide refrigeration either as part of their business model, or to be able to access refrigeration by means of a formal Service Level Agreement (SLA) with a refrigeration provider/another funeral director?

Seventy-four of the 86 total consultation respondents answered Question 3.

Overall, 45 respondents expressed agreement (‘agreed’ or ‘strongly agreed’) that there should be flexibility for funeral directors to provide refrigeration. A further 24 expressed disagreement (‘disagreed’ or ‘strongly disagreed’). See Table 5 below.

Table 5: Responses to Question 3.

Answer	Number
Strongly agree	20
Agree	25
Disagree	15
Strongly disagree	9
Don't know	5
Total	74

Where respondents indicated agreement with the proposal, they often commented that they were content with an SLA option in cases where a funeral director had limited storage capacity. Others suggested that these arrangements might remove barriers to entry into the industry, would particularly benefit SMEs/rural funeral directors, or have benefits for NHS mortuaries:

“This allows companies to specialise and provide central, excellent services to a number of small businesses. It would enable funeral directors and celebrants to have intimate, pleasant high street spaces to meet families and then store bodies at secure units elsewhere, transporting them only for viewing.” (Non-funeral director organisation)

“Without this flexibility there would be barriers to entry for new undertakers wishing to start new businesses by requiring any premises be large enough to house refrigeration and requiring the purchase of refrigeration equipment. Permitting access to refrigeration by means of a formal SLA with a refrigeration provider / another funeral director is a fair approach to this issue.” (Other organisation)

“Many independents operate with the assistance of larger funeral directors and do not have their own facilities. Forcing them to need this would put them out of business and leave open national companies to dominate.” (Funeral director organisation)

Some respondents who expressed agreement with the proposal provided caveats in their comments. For example, some argued that SLAs should be formalised and subject to an inspection regime. Others commented on the importance of making clients aware of any arrangement in place between the funeral director and a third party refrigeration provider, and ensuring families were aware where their loved one's body was being stored:

“As long as an agreement is in place, and the inspectors also inspect these 3rd parties I do not see why this would be an issue. It would support smaller funeral directors who do not necessarily have the space or financial ability to provide their own refrigeration facility.” (Individual)

“All deceased should have use of the same level of facility and consistency should be offered across the profession regardless of size of business. If this is to include an SLA with another provider the family should also be aware.” (Funeral industry trade body)

“it is important that there is transparency over these arrangements with consumers able to understand whether the funeral director uses their own mortuary facilities or those of another provider. This impacts the flexibility that the funeral director can provide in terms of viewing the deceased and also leads to different levels of liability for the funeral director and other service providers involved. There should therefore be an obligation on funeral directors to declare this information.” (Funeral director organisation)

There were also a smaller number of comments which suggested respondents disagreed with the proposal. These fell into two broad categories: those who held firm views that no SLAs should be allowed under any circumstances; and those who disagreed for logistical reasons.

A number of comments were made against the introduction of SLAs. These tended to suggest that having their own refrigeration should be a basic requirement for a funeral director, and/or that levels of service would be compromised if this was in some way outsourced. For example:

“I believe to operate as a funeral director a properly equipped mortuary with refrigeration must be your first and main priority with no flexibility at all.” (Funeral director organisation)

“This seems a way for providing unsatisfactory care and avoiding/delegating responsibility. To provide a funeral directors service a very significant part is care of the deceased which requires minimum facilities. The ability to refrigerate is the most fundamental and basic of these acts of care. Who would be responsible for monitoring? Who would be held responsible for accidents, deterioration etc. under an SLA?” (Individual funeral director)

Certain respondents who disagreed with this proposal for logistical reasons highlighted issues relating to family access and respect for the deceased:

“Using other providers is not ideal for the bereaved families as it restricts the flexibility for viewing the deceased.” (Funeral director organisation)

“I feel the funeral directors should themselves provide adequate facilities to avoid unnecessary movement of the deceased unless exceptional circumstances arise. This is more respectful on all levels.” (Individual)

Finally, certain respondents indicated the Code should be made clearer if the proposal was to be acceptable:

“The draft [Code] states audited monitoring every 24 hours by the funeral director, not the third party, as they have no contract with the deceased’s family. An SLA for this within this code is unworkable or worse too onerous to be regarded as believable. Added to this, in times of stress, there is the very real risk of decedents being looked after under an SLA to perhaps not be as important as the third parties’ own decedents under care and being removed prematurely from

temperature control. There is insufficient guidance offered about the SLA option for a considered opinion.” (Funeral director organisation)

QUESTION 4

If you own or operate a funeral director business, do you think the requirement to refrigerate deceased people will have an impact on your business?

Sixty of the 86 total consultation respondents answered Question 4. It was directed at funeral directors specifically, which may have impacted the response rate.

Table 6: Responses to Question 4.

Answer	Number
Yes	9
No	46
Don't know	5
Total	60

Overall, a majority (46) responded ‘no’ to Question 4, indicating that the requirement to refrigerate deceased people would not have an impact on their business (or ‘a funeral director’s business’ for those respondents to Question 4 who are not funeral directors).

Of the respondents who selected ‘no’ in response to Question 4, 33 provided further comments. Most of these stated that the respondent’s business was already compliant with the requirement and provided no further explanation and others reiterated the importance of refrigeration in the care of the deceased. Comments from funeral industry associations noted they already require their members to either have refrigeration within their own premises or are able to demonstrate they have access to suitable care facilities.

In contrast, nine respondents selected ‘yes’, indicating that this requirement would have an impact on their (or a funeral director’s) business. These impacts included that some funeral directors may have to move to different or larger premises to accommodate the equipment, and that this requirement would have important cost and investment implications for businesses. Comments on cost ranged from simply agreeing that investment would be needed, to explaining why the cost implications (e.g. for maintenance, electricity and high capital expenses) would be significant for some.

In contrast, other respondents who selected ‘yes’ noted that the impact may be more positive, in terms of improving the service provided, and increasing public confidence in the service.

A number of other observations or issues were highlighted in the comments to Question 4,. First, five respondents stated that refrigeration was a necessity in the preservation of deceased people.

“...even if a funeral director doesn't have these facilities, as long as they have access to them if they are required, that is what is important. Simply having air conditioning or routinely embalming people so they don't necessarily have to be placed in a fridge, isn't good enough.” (Funeral director organisation)

Second, and relatedly, an additional respondent raised a concern that refrigeration requirements in the Code may result in more people being encouraged “to have their person embalmed so they don't have to be kept in a fridge” (Funeral director organisation).

Thirdly, as mentioned elsewhere in this report, a small number of comments suggested this requirement may significantly impact SMEs/rural funeral directors, expressing concern these firms may not be able to meet these requirements.

Finally, one respondent again highlighted a concern about whether this provision would allow for families to care for the deceased at home.

QUESTION 5

Would offering viewing of deceased people as a service have an impact on a funeral director business?

2.1 Seventy-one respondents answered Question 5 (see Table 7). Overall, a majority (44) of those who responded to Question 5 answered 'no', suggesting they do not think that offering viewing of deceased people as a service would have an impact on a funeral director business. Nineteen respondents selected 'yes', indicating they thought there would be an impact.

Table 7: Responses to Question 5.

Answer	Number
Yes	19
No	44
Don't know	8
Total	71

The open-ended comments provided in relation to Question 5 suggested most respondents were generally supportive of funeral directors providing viewing as a service. From those who indicated they were supportive, approximately half indicated they already provided viewing as a service and the other half supported it as a standard practice (even going so far as to suggest that not offering it would be unacceptable).

In contrast, a small minority of respondents indicated that that this should be a business decision and funeral directors should not be required to offer viewing as a service, if they are transparent about the services they do offer. Some respondents

felt that a requirement to offer viewing may have unintended consequences, for example related to cost:

“We... do not believe that offering viewing of the deceased should be a mandatory requirement of the code. Instead, greater transparency to consumers at the outset as to whether this is offered would allow them to make more informed choices when making a purchasing decision. There should be a requirement on funeral directors to disclose this clearly whether this is offered in product information and when providing a quote to the consumer.” (Funeral director organisation)

“...If the Code required viewing to be offered as a choice for all funerals within Scotland, this would add cost to the service which would ultimately be payable by the client.” (Funeral director organisation)

Two further sets of considerations were raised in the comments to Question 5. First, was that some business models or services (specifically direct cremation services) may be impacted by a requirement to offer or facilitate viewing.

Second, consistent with comments in response to previous questions, some drew attention to the potential for smaller funeral directors to be more significantly impacted than large/metropolitan funeral directors, because of space or cost implications.

“It would not impact upon our business as we already provide this service but there are some smaller businesses who do not have suitable premises to allow this which we feel is unacceptable.” (Funeral director organisation)

3. Qualifications: Questions 6-9 and 11

QUESTION 6

Do you agree that all funeral director, funeral arranger/administrator and funeral service operative/assistant/driver/bearer training and qualifications should be accredited by an official accreditation body, such as the Scottish Qualifications Authority, or another official UK accreditation body?

Eighty of the 86 total consultation respondents answered Question 6. Sixty-four respondents expressed agreement (either 'strongly agreed' or 'agreed') that all funeral director, etc. training and qualifications should be accredited by an official accreditation body, such as the Scottish Qualifications Authority, or another official UK accreditation body. While the majority of support came from non-funeral director respondents, support also came from funeral industry trade body respondents. Eleven of the 13 respondents that expressed disagreement ('disagreed' or 'strongly disagreed') were funeral director organisations or individual funeral directors.

Table 8: Responses to Question 6.

Answer	Number
Strongly agree	33
Agree	31
Disagree	10
Strongly disagree	3
Don't know	3
Total	80

Respondents' comments often went beyond a strict focus on accreditation, to discuss issues related to training and qualifications more generally, and often using the terms interchangeably. It was evident from the responses that there was varied understandings, and possibly some confusion, about the meaning, of the term 'accreditation'. This is addressed in section 9.

Nonetheless, most comments were generally supportive of accreditation. Others focused on the potential outcomes of implementing accreditation, such as building public trust; improving service delivery standards; simplifying training; and improving standards of care of the deceased.

Funeral industry trade bodies, which, at the time of the consultation, offer a variety of non-accredited training and qualifications, all highlighted how critical qualifications were to the future of funeral directing. One funeral director organisation stated that mandatory qualification(s) were required for funeral directing to become a "recognised profession" and another commented that a concerted effort was needed for changes to education and training to take place.

“Education and training is crucial to the funeral directing trade, this will provide a strong foundation for all members, it will give them confidence in their job and will help give the public faith and knowledge in the people who have been entrusted with their loved one know exactly what they are doing. The B.I.F.D., N.A.F.D. & S.A.I.F. already have training, exams and certificates of competence, wither using an outside company enhances this is very doubtful, where do the external examiners obtain their training if not through one of the above?” (Funeral industry trade body)

“The need to improve this area isn’t news for the sector and has been deflected by the profession for 20 years. If we aren’t forced to improve then nothing will happen.” (Funeral director organisation)

Three respondents called for the Scottish Government to create qualifications, or to be involved in their creation. However another four respondents noted that training and qualifications should be kept ‘in-house’.

Despite the general support expressed for accreditation, some comments indicated there should be flexibility around any proposed statutory qualification(s) in the future. For example, some respondents specifically stated that qualifications should not be required for all roles or wanted the Scottish Government to consider exemptions or alternatives for experienced practitioners (“grandfathering”). For example:

“Although I do agree that there should be more regulation and training - I think it would be a grave error to impose official training on all funeral related jobs, particularly on the lower skilled jobs, as long as training is provided by the employer. Official training of all staff would make it very difficult for small companies to prosper and exist.” (Funeral director organisation)

“Training should be offered by an independent body and adequate training for funeral staff should be available for those requiring it. Existing practitioners in the funeral sector should not be required to undertake training if they can demonstrate competence acquired through experience.” (Other organisation)

In contrast to those supporting accreditation, a minority of respondents warned against any future qualification(s) requirement. Objections included that costs could be passed to families or that strict qualification requirements for all roles may affect organisations that rely on volunteers.

“[The] [c]urrent situation is entirely adequate. Training costs would be passed on to families and would increase the cost of a funeral which I'm sure the Scottish Government do not want to be responsible for.” (Funeral director organisation)

QUESTION 7

Question 7 comprised three sub-questions: 7.1, 7.2 and 7.3. These sub-questions asked respondents about the ‘appropriateness’ of levels on the Scottish Qualifications and Credit Framework (SCQF) with respect to different roles within the funeral industry. Respondents were provided with a description of each SCQF level

and a link to more information about SCQF within the consultation. Funeral industry roles are not currently associated with the SCQF, and this question sought to assess whether SCQF levels were appropriate for certain key roles.

Question 7.1: Is Level 6 an appropriate level on the SCQF for a funeral director qualification to be registered at?

Question 7.2: Is Level 5 an appropriate level on the SCQF for a funeral arranger/administrator (FA) qualification to be registered at?

Question 7.3: Is Level 4 an appropriate level on the SCQF for a funeral service operator/assistant/driver/bearer (FS) to be registered at?

Seventy-five of the 86 total consultation respondents answered Questions 7.1, 7.2 and 7.3. The frequencies of responses are presented in the tables below.

Table 9: Responses to Question 7.1

Answer	Number
Yes	39
No	10
Don't know	26
Total	75

Table 10: Responses to Question 7.2

Answer	Number
Yes	38
No	11
Don't Know	26
Total	75

Table 11: Responses to Question 7.3

Answer	Number
Yes	34
No	14
Don't know	27
Total	75

For all three sub-questions, the most frequently selected option was 'yes', indicating that majority of those who responded agreed with the SCQF levels proposed. A relatively high number of respondents also selected 'don't know', indicating uncertainty if the levels were appropriate or not.

In general, the majority of support for the proposed levels and qualifications came from non-funeral director respondents. However, 10 funeral director organisations, two individual funeral directors three funeral industry trade bodies agreed with all of the proposed levels. The open-ended comments also indicated that most respondents were generally supportive of the proposed SCQF levels. Some respondents indicated that although it would require some investment, funeral

directors will ultimately benefit from achieving standardised, accredited qualifications (despite potential costs).

“... [The levels] are the minimum standards that the public would expect of such a profession. The levels are right when compared to the responsibilities and job descriptions of those roles. It may take some considerable time to achieve this but it is right to set it as a level.” (Funeral director organisation)

“I think there has to be some formal training at an appropriate level to ensure the deceased are treated properly and this would be an appropriate level.”
(Individual)

“It may cost Funeral Directors to become qualified but well worth it...”
(Faith/religion based organisation)

Other correspondents expressed disagreement with the proposal, suggesting, for example, that training “can be carried out in house” (Funeral director organisation). One respondent felt the delivery of accredited qualifications by the funeral industry trade bodies may limit consumer options.

“... Training for training sake is not appropriate and would only further line the pockets of those organisations that make money from such training. I am happy to be scrutinised and if I am found wanting then apply conditions. However, I work with families to help create personal appropriate ceremonies and wish to continue to do so outside of a one-size-fits-all framework applied by a trade organisation. Accreditation may stop people being able to choose more individual approaches to funerals.” (Funeral director individual)

The final set of respondents, those that selected ‘don’t know’ (26), were comprised of funeral director organisations and individual funeral directors. Most provided no further explanation for their selection, however those that did seemed to be generally unsupportive of either the proposed levels or of training/qualifications in general.

The comments highlighted some further considerations. First, a small number of respondents suggested amending the proposed levels. For example, one funeral industry trade body expressed that funeral service operators, etc. should be trained to Level 2 on the SCQF, instead of to the proposed Level 4. Additionally, it was noted that an accredited training programme, as opposed to a qualification, was more appropriate for people in these roles to undertake. A couple of comments actually suggested higher levels for some, depending on role and client contact rate:

“Funeral arranger / administration - we believe that this should be set at level 6 (Higher) rather than a first level Modern Apprenticeship, due to the customer contact and sensitivity.” (Local government)

“I would suggest the proposed levels 6 & 5 are each a level too low, and that a level 7 and 6 for funeral director / funeral arranger would be more appropriate, presuming that the funeral arranger is restricted to an administrative role?”
(Other organisation)

Second, a number of comments highlighted that FS roles were often discharged on a casual basis and that set training/qualification requirements may discourage potential applicants, precluding vacancies from being easily filled.

Finally, some comments suggested the nomenclature used to describe the roles in questions 7.1, 7.2 and 7.3 demonstrated an inherent bias in the Code towards one model of funeral directing over others. For example:

“I’m concerned to see that this code has been written with the conductor/arranger/bearer/driver model at its core. That would indicate that trade associations have heavily influenced the writing of this code and that it is geared towards corporate models of funeral directing.” (Funeral director organisation)

QUESTION 8

Do you agree that funeral directors, funeral arrangers/administrators and funeral service operatives/assistants/drivers/bearers should undertake training and receive qualifications that are primarily vocational in nature, with a focus on gaining practical skills over more classroom-based learning?

Eighty of the 86 total consultation respondents answered Question 8. Overall, a majority (n=58) of those who responded to Question 8 agreed or strongly agreed that funeral directors, FA, and FS should undertake training and receive qualifications that are primarily vocational in nature, with a focus on gaining practical skills over more classroom-based learning. Like Question 7, the majority of support for this proposal came from non-funeral director respondents.

Table 12: Responses to Question 8.

Answer	Number
Strongly agree	21
Agree	37
Disagree	10
Strongly disagree	4
Don't know	8
Total	80

However, many comments (across those who replied ‘agree’ or ‘disagree’) highlighted the need to incorporate both vocational and classroom-based content. All of the funeral industry trade bodies appeared to support this kind of ‘blended’ learning in their comments

“There is a requirement for theoretical knowledge as well as practical skills.”
(Health body)

“We feel that Vocational Training should be mixed with Classroom Learning. There are pros and cons with both styles of training therefore to have a mix would definitely be the way forward.” (Funeral industry trade body)

Some respondents suggested that the balance between vocational and classroom-based learning would vary depending on the job description. A minority of comments expressed that any future training and qualifications should be almost entirely, or exclusively vocational, in particular for the roles of FS. For example:

“I would agree for some of these job descriptions only. For operatives, driver/bearers, and administrators it should very much be vocational and practical, whereas for funeral directors/arrangers this should include significant classroom learning and understanding of things like; legal concerns, statutory paperwork, grief, health and safety law, risk assessments etc.” (Individual Funeral Director)

“Practical experience is far more important than classroom based learning; particularly for Operatives level and below. Classroom based learning does not work for many.” (Funeral director organisation)

Additional issues raised were the need for flexibility in future qualifications requirements, for example the provision of distance or online learning; and inclusion of broader skills such as counselling or coaching. Some commented that accredited training should be optional rather than compulsory.

A minority of comments from respondents who disagreed with the proposal in Question 8 seemed to generally disagree with the training/qualifications concept rather than on any particular point pertaining to the content of any future qualifications:

“Formal qualifications are not the answer to the dubious practices of the funeral industry.” (Funeral director organisation)

“No outside training required.” (Funeral director organisation)

QUESTION 9

Do you believe that accredited training and qualifications should be available to those wishing to undertake embalming courses in the future?

As context to this question, it is noted that there are currently no restrictions in who can carry out embalming, nor are there any accredited qualifications. An embalmer may be employed by a funeral directors' business or may set themselves up as an independent trader who works on a contractual basis for one or more businesses.

Seventy-four of the 86 consultation respondents answered Question 9. Overall, 70 of those who responded to Question 9 selected 'yes', suggesting they agreed that accredited training and qualifications should be available to those wanting to undertake embalming courses in the future. Most open-ended comments also seemed to support this view.

Table 13: Responses to Question 9.

Answer	Number
Yes	70
No	3
Don't know	1
Total	74

Additionally, a number of comments also mentioned the training already available from the British Institute of Embalmers (BIE), and noted this body should either run or otherwise be involved in any accredited training for embalmers. For example:

“[Name redacted] believes that accredited training and qualification should be available to those wishing to undertake embalming courses as it provides peace of mind to the bereaved when their loved one will undergo embalming. At present, some embalming training exists in the industry and [name redacted] would welcome efforts to accredit this training and identify where there may be gaps that should be filled with new schemes. [Name redacted] notes that there is an existing professional body (the Institute of Embalmers), who should have a key role in defining how the training and qualifications in place are accredited and can be strengthened.” (Funeral industry organisation)

Only three respondents selected ‘no’ in response to Question 9 and only one open-ended comment was submitted in relation to this, which was about this respondent’s objection to embalming generally.

“I would prefer that we stopped allowing embalming. I believe it is toxic to the body and environment and it should be unnecessary to stop the natural process of decay.” (Other organisation)

Two other key issues were raised in the comments. The first was that the currently available training/qualification(s) needed improvement. Concerns included the high cost of training, a lack of available funding for training, inappropriate duration (comments suggested they were both too long and too short) and limited training locations.

Secondly, one respondent noted that the draft Code could be improved by more clearly explaining certain processes:

“The code also fails to clearly explain ‘first offices’ or ‘invasive procedures’ and shows no understanding of how nuanced this work can be - sometimes procedures need to be carried out but the family do not want to know as they would find it damaging, both emotionally and psychologically.” (Funeral director organisation)

Two further comments were received elsewhere in the consultation but which relate to embalming and are noted here. These provide suggestions for how the draft Code of Practice could be further developed in relation to this topic:

“...the decision as to how accessible the body is to relatives is ultimately the [funeral director]’s. As such, we feel that the sections in the Code of Practice referring to 'viewing' and 'embalming' should also include paragraphs which emphasise the [funeral director]s responsibilities in this regard, clearly indicating that any decision not to allow viewing/embalming is ultimately their professional decision based upon all information provided to them, and not simply the decision of medical personnel/pathologists who may have cared for the deceased prior to the involvement of the [funeral director].” (Health body)

There is no guidance on what constitutes 'circumstances where it may prove necessary for the funeral director to perform an emergency invasive procedure'... I don't not see that these 'emergency invasive procedures' have any justification whatsoever... Why would you document that embalming must be authorised and not done routinely and then add a section to legitimise 'emergency invasive procedures', with only reasonable attempts to gain the client's authorisation? It seems that it voids the whole exercise!!” (Funeral director organisation)

QUESTION 11

How many hours of Continuous Professional Development (CPD) per year do you think (11.1) funeral directors (FD); (11.2) funeral arrangers/administrators (FA) and (11.3) funeral service operatives/assistants/drivers/bearers (FS) respectively should need to complete in order to stay up to date on industry best practices in the funeral industry?

Question 11 was comprised of three sub-questions: 11.1, 11.2 and 11.3. Of the 86 total consultation respondents, 78, 74 and 72 respondents answered Questions 11.1, 11.2 and 11.3 respectively. The majority of those that did not answer these questions were faith/religion based organisations.

Table 14. Responses to Question 11.1

Answer	Number
0 Hours	7
Between 1 and 15 hours	39
Between 16 and 30 hours	28
More than 30 hours	4
Total	78

Table 15. Responses to Question 11.2

Answer	Number
0 Hours	8
Between 1 and 15 hours	49
Between 16 and 30 hours	14
More than 30 hours	3
Total	74

Table 16. Responses to Question 11.3

Answer	Number
0 Hours	9
Between 1 and 15 hours	55
Between 16 and 30 hours	7
More than 30 hours	1
Total	72

Overall, the most frequently selected response to each sub-question was that between 1 and 15 hours of CPD per year were needed in order to stay up to date on industry best practices.

From the open-ended comments, most respondents appeared to be generally supportive of the need for CPD. Many comments indicated it was important to regularly allocate time to stay up to date with changes in the funeral industry. Others, while supportive, provided additional contextual considerations:

“It is essential to continue professional development and this requires time. The biggest issue is that as a service industry providing 24/7 service 365 days a year when we can be called at any time to attend a death, to schedule and honour training/education sessions is difficult especially for smaller operators. E-learning would help with this but hands-on practical training and joint events/courses are very useful too, hence trying to go for an answer that is reasonable but also achievable is essential.” (Individual funeral director)

Others cited recent or forthcoming legislative changes to the funeral industry in Scotland as a reason for selecting annual CPD hours at the higher end of the proposed range:

“With the large amount of new legislation, regulations, etc. coming into force in the funeral sector in Scotland, currently and in the foreseeable future, it is certainly crucial that the funeral director as the guide to families on legal and technical matters is fully abreast of these issues.” (Funeral director organisation)

The funeral industry trade bodies provided differing opinions on how many hours each role should undertake, however, all supported a minimum of annual CPD hours be required for each of the roles.

Some respondents provided comments suggesting that the ‘less advanced’ roles should be required to complete as many and in some cases more, CPD hours per year, than ‘advanced’ roles. Others stated that the minimum proposed requirement was more suitable for such roles:

“Funeral arrangers are the people who mostly deal with bereaved clients and have the emotional connection with them. They are the people who need the most training and development. ‘Funeral operatives’ are often responsible for collecting the person who has died from home, which is a difficult and sensitive time and needs to be done with extreme care. The importance of this role has been downplayed and undervalued.” (Funeral director organisation)

“Whilst it is tempting to answer '0' hours, these individuals [funeral service operatives/assistants/drivers/bearers] have a vital interaction with the [bereaved] public.” (Health body)

“I feel a maximum of 15 [hours] is required, the role of the funeral operatives are changing in a modern funeral directors. Therefore, personal development is essential to their overall training.” (Individual funeral director)

A further set of open-ended comments (22) appeared generally unsupportive of CPD or raised particular concerns. The most common concern related to funeral staff finding the time to satisfy CPD requirements. There also seemed to be scepticism that certain segments of the industry would participate in even the minimum proposed requirement. Others suggested that proposing a minimum requirement was unnecessary or counterproductive, and that they would resist the imposition of this requirement.

“[G]ood luck with asking freelance bearers to attend CPD courses. you will lose an important element of the industry.” (Individual funeral director)

“There is absolutely no point in making this mandatory as it will be counter-productive. A good funeral director should naturally strive to stay up to date on industry practices. This practice should be encouraged and facilitated but not imposed or it will become a tick-box exercise.” (Funeral director organisation)

“Who decides what best practice is? My business has been conducting funerals since 1890. My funeral directors have 150 Years of experience I think we can decide what best practice is.” (Funeral director organisation)

Similar to comments received for previous questions in this consultation, four respondents suggested that annual CPD requirements may disproportionately affect SMEs/rural funeral directors, citing a lack of time and/or resources.

“Most decent funeral directors spend their time looking at important developments and funeral rites and emotional needs as part of their day to day job - Having to take time out away from work and/or families to tick more boxes may well not be the best use of time or money for a small business.” (Individual)

“As a small business with ever rising costs I simply could not survive if required to pay for regular CPD courses.” (Funeral director individual)

Finally, clarity about the definition of CPD was requested:

“We would welcome clarity on the definition of CPD from the Scottish Government’s perspective, and what it is envisaged this will include. In our view, CPD should be concise and focus on covering information on changing policies and practices, such as the introduction of the new Code of Practice, changes to health and safety legislation and new industry best practice. Going forward, it may also cover issues such as money laundering and GDPR.” (Funeral director organisation)

4. Timeframes: Questions 10 and 12

QUESTION 10

The Scottish Government proposes that 18 months is a reasonable amount of time for funeral directors to meet the requirements of the Code before it comes into force. What do you consider to be a reasonable timeframe for funeral directors to meet the requirements of the Code before it comes into force?

Seventy-nine of the 86 total consultation respondents answered Question 10. The most frequently selected option for what is a reasonable amount of time for funeral directors to meet the requirements of the Code was '18 months' (aligned with the Scottish Government's own proposal).

Table 17: Responses to Question 10.

Answer	Number
12 months	15
18 months	33
24 months	25
25 months or more	6
Total	79

Respondents who selected the shortest timeframe of 12 months tended to express the greatest support for the draft Code in their comments. Many of these respondents stated they were already, or close to, compliant with the draft Code. Comments include that the proposed requirements were 'basic', or 'the minimum'; that they expected funeral directors should already have all or most of the proposed requirements in place already; and/or that the Scottish Government should make requirements stricter.

Most of the respondents who selected the 18 month timeframe (the Scottish Government's proposal) were funeral director organisations, individual funeral directors, or local governments. Of this group of respondents, approximately half gave comments suggesting this was a reasonable/proportionate amount of time for all funeral directors to become compliant with the Code. For example:

"As most good funeral directors will not need to make many adjustments to become compliant this seems reasonable. For those companies needing to make major changes there is some urgency as families are receiving substandard care from them at present." (Individual)

However, certain respondents who selected 18 months also acknowledged the significant investment that would be needed by some funeral directors to become compliant within this timeframe.

Eight respondents stated that the proposed 18 months would not be enough time to allow all funeral directors to become properly trained/qualified and some felt a longer period may be more appropriate:

“We believe that a period of 24 months should be given to allow senior management and staff sufficient time to achieve the standards for training as detailed in our responses above. Which is in line with the timescales allowed for BIE training.” (Local government)

While the draft Code requires all funeral directors be ‘trained’, the Scottish Government is currently unable to require Scotland’s funeral directors to achieve a particular level of training or qualification. This is because the infrastructure is not yet in place to deliver widespread accredited training and qualifications to Scotland’s funeral directors and funeral arrangers/administrators or funeral service operatives/assistants/drivers/bearers (see Annex A for more information about accreditation). Additionally, Scottish Ministers are unable to specify a training course, or qualification; they are able to specify a SCQF level requirement only. This issue is discussed further in Section 9 of this report.

In general, respondents who selected a longer timeframe from the options provided (e.g. 24 months or 25 months or more) tended to also submit open-ended comments that were generally unsupportive of the draft Code. For instance:

“If the Scottish Government insist on dismantling arrangements and practices that have been in place for hundreds of years as much time as possible to implement would be necessary.” (Funeral director organisation)

A number of other key issues were raised in the comments. Consistent with earlier sections in this report, respondents highlighted the need to consider how timeframes for implementing the draft Code may disproportionately impact SMEs/rural funeral directors. In particular, the issue of the investment SMEs/rural funeral directors may need to make in order to comply with some sections of the Code was noted. For example:

“Some of the larger companies will be able to achieve the desired level more quickly but the rural and remote areas should not be disadvantaged by these regulatory requirements.” (Health body)

“We believe that we have all that will be required of us in place but there are much smaller businesses who will need time and money to comply - there may also be the issue of external providers not being able to cope with demand for equipment or training.” (Funeral director organisation)

Finally, a point was raised regarding external factor(s) that may influence how soon funeral directors would be able to become compliant with the Code, such as the impact on equipment supply lines if a no-deal Brexit occurs:

“Companies that supply mortuary equipment are specialist so if there is a big demand for equipment then this may delay implementation. Brexit may impact on suppliers being able to meet demand for some items.” (Individual)

QUESTION 12

The Code stipulates that records should be kept in certain circumstances. In your view, how long should the Code require funeral directors to keep these records? (For reference, the Cremation (Scotland) Regulations 2019 place a duty on all cremation authorities to keep records relating to a cremation for 50 years.)

Seventy-five of the 86 total consultation respondents answered Question 12. Respondents most frequently selected the option of keeping records for 50 years (aligned with the Scottish Government's proposal). The majority of respondents who selected 50 years were (non-funeral director) individuals, closely followed by funeral director organisations. Of the respondents who selected 5 years or 25 years, most were funeral directors (organisations and individuals).

Table 18: Responses to Question 12.

Answer	Number
5 years	17
25 years	15
50 years	39
75 years	3
More than 100 years	1
Total	75

Many comments suggested it was sensible to keep the record keeping requirements in the Code the same as the requirements placed on cremation authorities by the Cremation (Scotland) Regulations 2019 (which dictates 50 years for a cremation authority to keep records relating to a cremation).

Respondents who selected the shorter-term (5 and 25 years) timeframes generally indicated a preference to only keep records for practical/business purposes (e.g. one generation to allow a family access to the service information of a relative), and/or for reasons of storage costs/space. Two respondents who had selected the 5 years timeframe cited existing requirements on cremation and burial authorities as reasons for making their selection. For example:

“If cremation and burial authorities keep records and the Registrars have a register of death there is no legal reason for us to duplicate this information.”
(Individual)

However, others noted that records are useful to refer back to when providing further services to families:

“We keep records indefinitely, these are kept and stored in compliance with [General Data Protection Regulation (GDPR)]. Often when families approach us to arrange a funeral they may request that the funeral is similar to that of another family member in the past... This can also be useful when it comes to looking up information on a family lair at the cemetery...” (Funeral director organisation)

Concerns regarding balancing usefulness of retaining records for longer periods with their GDPR obligations were also evident in the comments. For example:

“Whatever retention period the Scottish Government arrives at, we would urge it think carefully about the need to balance the desirability of being able to access historic records with the privacy rights of individuals. Although deceased people do not have a legal right to privacy, their families do and it will not always be practicable to separate their personal information from the records relating to the deceased person.” (Funeral industry trade body)

While storage costs and space were cited by some respondents as a reason for selecting lower timeframes for keeping records, others noted this may not be problematic given records are now often ‘paperless’ (digital). Finally, there was a suggestion that the Scottish Government or a trade body could consider offering a centralised storage solution for all funeral directors, for reasons of mitigating the risk of records being lost in the event a funeral director business closing, or to help ensure funeral directors are meeting certain requirements of the Code.

5. Barriers: Questions 13 – 15

QUESTION 13

Do you think the standards set out in the Code will raise barriers for people considering entering work in the funeral director industry for the first time?

Seventy-nine of the 86 total consultation respondents answered Question 13. Just over half (41) of those who responded to Question 13 answered 'yes', indicating they thought the standards set out in the Code will raise barriers for people considering entering work in the funeral director industry for the first time. Twenty-nine answered 'no', indicating they did not think the Code would raise barriers, and nine selected 'don't know'

Table 19: Responses to Question 13.

Answer	Number
Yes	41
No	29
Don't know	9
Total	79

Most open-ended comments seemed to support the introduction of standards set out in the Code, regardless of potential barriers. Many felt that they would be beneficial to the industry, increasing the overall competency of all of Scotland's funeral directors and building public trust.

Some respondents stated that new businesses should be knowledgeable before they begin providing these services, and that the minimum standards set in the Code would help discourage 'for profit only' new entrants:

"This is a good thing - Funeral Directors should have a set standard to ensure that bereaved persons have a positive experience. If people wanting to enter the industry are unable to meet basic requirements, they should not be offering funeral services." (Individual)

"Absolutely and so they should. If your stated purpose is to "ensure good standards" there must be some minimum standards. The current situation where anyone with a vehicle and a spare room, no facilities, no training or knowledge or accountability can set up as a funeral director overnight cannot be right. This is overdue in an industry where operators can operate outside any code of practice." (Individual funeral director)

Others felt that these standards may bring greater legitimacy to the profession for potential entrants, as well as increasing interest from younger people and people from minority ethnic communities.

In contrast, certain comments expressed that there would be barriers to entry to funeral directing as a result of the Code and these would be negative for the industry. For example, that any future training/qualification requirement(s) would be a barrier to entry, especially if these was expensive or took a long time to achieve. Others highlighted the increased financial implications of starting a new business as a result of introducing standards. These included issues discussed previously in this report, such as refrigeration. For example:

“A requirement for funeral directors to have access to sufficient refrigeration facilities will serve as a barrier to new businesses... Similarly, a requirement for businesses to be able to facilitate viewing will necessitate investment in care of the deceased processes and maintaining suitable viewing areas. This may be a barrier to market entry for some businesses but we would question whether it is in the public interest for them to be permitted to operate in such a way.” (Funeral industry trade body)

QUESTION 14

Do you think the standards set out in the Code will have a negative impact on funeral director businesses plans for expansion?

Seventy-nine of the 86 total consultation respondents answered Question 14. A majority (52) answered ‘no’, indicating they thought the standards set out in the Code would not impact a funeral director’s expansion plans. Only 10 answered ‘yes’, indicating a perception that the standards would impact expansion plans.

Table 20: Responses to Question 14.

Answer	Number
Yes	10
No	52
Don’t know	17
Total	79

Most respondents that provided open-ended comments also indicated the Code’s standards would not have a negative impact on a funeral director’s plans for expansion. Many comments indicated they perceived standards as a necessity. Others explicitly stated that standards would have a positive impact on expansion plans:

“These are all requirements which should be in place, and any competent and efficient Funeral Director will have no issue integrating them into their current business and plans for expansion.” (Individual)

“The standards set out in the code will be necessary to ensure any expansion of a funeral director business is carried out appropriately.” (Individual)

“We believe that standards set out will enhance business opportunities rather than an negative impact.” (Local government)

In contrast, a relative minority of comments highlighted that the Code’s standards may be a barrier to expansion, for instance because they might impact on funeral director costs related to improving facilities or licensing. A small minority of comments indicated regulation was unnecessary in general.

Finally, a small number of comments specifically cited the impact that standards may have on SMEs/rural funeral directors (and the subsequent consequences for their clients). Similar to previous sections of this report, these stated that implementing all requirements of the Code may be challenging for small firms. For example:

“As a smaller company we would find increased Scottish Government driven requirements for facilities and regulations would increase our costs at a time when the same Scottish Government is asking the funeral sector to charge less for our services.” (Funeral director organisation)

QUESTION 15

Do you think the standards set out in the Code will have a negative impact on innovation and experimentation in the funeral industry?

Seventy-eight of the 86 total consultation respondents answered Question 15. Overall, a majority (49) selected ‘no’, indicating they thought the standards set out in the Code would not have an impact on innovation and experimentation in the funeral industry. Fourteen respondents selected ‘yes’, indicating standards would have an impact and 15 selected ‘don’t know’.

Table 21: Responses to Question 15.

Answer	Number
Yes	14
No	49
Don’t know	15
Total	78

Most open-ended comments also indicated that the standards the Code would not have a negative impact on a funeral director’s plans to innovate or experiment. For example:

“We can see no reason why funeral businesses would not continue to innovate to compete in the market. The standards proposed are a proportionate and appropriate minimum for any funeral director offering this crucial service. They leave flexibility in how they are met and scope for funeral directors who wish to provide excellent service to invest and innovate to go beyond these.” (Funeral director organisation)

“[Name redacted] does not believe the standards set out in the Code will have a negative impact on innovation and experimentation. On the contrary, we believe a set of clear mandatory standards requirements will encourage positive innovation as businesses compete to attract custom without being able to compromise on minimum standards in ‘back of house’ areas that the consumer often never sees.” (Funeral industry trade body)

In contrast, relatively fewer comments indicated the Code would have a negative impact on innovation and experimentation. This included stating that the Code would set boundaries which funeral directors could not cross to meet families’ requests. Examples of what this type of boundary might entail were not provided.

Three other issues were raised within the open-ended comments, each expressed in a minority of comments, and which are largely consistent with other sections in this report. First, comments suggested that the impact of the Code on innovation may depend on the cost(s) of meeting the Code’s requirements (although this impact may be temporary). For example:

“It will inhibit innovation, as more financial investment required and failure costly. However over time this should correct itself.” (Funeral industry trade body)

Second, a concern was raised that the most significant impact would be felt by SMEs/rural funeral directors:

“Overly restrictive legislative requirements, particularly those requiring large injections of capital into businesses may have the reverse effect of that hoped for by the Scottish Government as it may drive small to medium firms out of business leaving the field to the large groups and the very small firms that lack proper facilities but are supported by SLAs with companies far from their geographical location. This would reduce consumer choice and ultimately drive up prices for the public.” (Funeral director organisation)

Finally, there were contrasting views about whether the Code’s requirements would reinforce the traditional funeral approach in Scotland’s funeral industry, or otherwise restrict non-traditional approaches:

“It [the Code] has the potential to emphasise the status quo. And it does assume that some practices are a ‘must’ rather than an option which suggests a cultural conserve favouring tradition for tradition’s sake.” (Funeral director organisation)

“The funeral industry has been changing significantly, particularly in the more recent past, with people moving away from the traditional funeral and instead opting to arrange a more personalised, fitting tribute to their loved one. I can’t see the code having any negative impact on this, funeral directors will always adapt to ensure they are doing the very best for the families they serve.” (Funeral director organisation)

6. Impacts on the People of Scotland: Question 16

How would the Code impact on the people of Scotland with respect to age, disability, gender reassignment, pregnancy and maternity, ethnicity, religion or belief, sex, sexual orientation, or socioeconomic disadvantage?

Sixty-two of the 86 total consultation respondents answered Question 16. There was no quantitative component to Question 16; respondents were only asked to provide open-ended comments.

For the purposes of this analysis, an impact is defined as a deliberate or accidental effect or significant change in people's lives brought about by a policy decision. Respondents' comments could be categorised as indicating either no impact or some impact on the people of Scotland. Certain respondents stated that they 'didn't know', or were otherwise not able to answer the question.

Comments most frequently suggested there would be no impact on the people of Scotland with respect to the equalities considerations; often simply stating for example, 'no impact', or 'unlikely to impact'. Other respondents provided slightly more information, for example:

"this code does not seem to particularly impact any of these groups of people"
(Funeral director organisation)

"There are no new consequences arising from the Code of Practice that are not already faced and dealt with by the funeral sector currently." (Funeral director organisation)

Comments which discussed positive impacts suggested that the Code promotes equality of opportunity and good relations between different groups and communities, leading to better outcomes. For example:

"I don't believe the code will have any negative effect; it should reassure the Scottish public that we, as an industry are working towards a more transparent, regulated way of working. With prices being made public, in most cases, families can have a clearer view of what services are going to cost, allowing them to make more informed choices and hopefully reducing the amount of debt that many families can find themselves in when arranging a funeral." (Funeral director organisation)

Comments which expressed that the Code would have a negative impact were most often concerned with increased funeral costs that may result from introducing new standards, and that these may particularly impact people on low incomes. There was a similar comment that the introduction of training might be a barrier for some people wishing to enter the industry.

“I do believe that the Code could impact on those from a socioeconomic disadvantage. With smaller companies potentially having to invest in mortuary facilities or upgrading them, I envision prices having to rise in order to cover the cost. Should business owners who have no formal qualifications be forced to obtain one, again, these costs would have to be met by clients in order to pay for such a qualification. Therefore price rises would ensue and therefore this would completely impact on the cost to those already struggling with rising funeral costs anyway.” (Funeral director organisation)

Other comments related to each protected characteristic are now described. These often simply expressed an observation or opinion by the respondent, and did not necessarily indicate if there would be any actual impact on the people of Scotland.

Four comments related to **sex, gender, and sexual orientation**. These included an observation that existing cremation forms have only male and female options to identify gender. Two comments were received regarding LGBTI groups, and noted the importance of recognising LGBTI relationships. One respondent noted that women who have suffered domestic violence may not wish to be touched by a male funeral director. No comments were received regarding **gender reassignment**.

Two comments were received regarding **pregnancy and maternity**. One noted that pregnancy is already handled regularly and appropriately by the industry. The second stated:

“...deceased pregnant women and infants should have special protection. After the scandal of Mortonhall Crem[atorium], the disposal of infants and even foetuses should be done sensitively.” (Individual)

Comments on **disability** highlighted a need to ensure any requirements for qualifications allowed for inclusivity, and health and safety considerations. Regarding inclusivity, one comment highlighted the need for any future qualifications to be vocational rather than academic (or otherwise inclusive and accessible) to ensure no disadvantage of employment for people with learning disabilities.

One comment was received which noted Scotland’s funeral directors’ **race** disparity, and appeared to suggest the Code would help bring attention to this:

“in my opinion it would only benefit the country going forward as at present there are no [minority ethnic community] funeral directors in Scotland this is an area that should be explored having statistics will help to bring this aspect to the 'agenda'”. (Faith based organisation)

Regarding **religion and belief**, a comment received earlier in the consultation noted the importance of the quick transfer of the deceased people into the faith/religion based funeral director’s care, e.g. to meet the requirements of a Muslim burial. In response to Question 16, nine respondents identified themselves as members or representatives of the Church of Scotland, and seven of them provided responses with minor variations on the same issue – that the Code should require funeral

directors to signpost their clients to the Church of Scotland's free support and celebrant services:

“Religion or belief is a protected characteristic. We think that it is important that Funeral Directors should be required to treat the religion or belief of the deceased is a relevant and important matter when providing funeral services, as there are certain rituals and important spiritual practices associated with death within most religions. Given that approximately 30% of funerals in Scotland are conducted by Church of Scotland ministers alone, even without taking into account the large number of funerals conducted by other clergy or representatives of other faiths, it is apparent that a failure to make specific provision in the Code for the respecting of the religion of the deceased will have a disproportionate impact on people sharing this protected characteristic.” (Faith/religion based organisation)

One comment was received regarding **age**, with respect to funeral industry employees. It expressed that it should be left to individuals “to assess themselves and their own capabilities of carrying out their role safely for them and their colleagues”. (to undertake their role) themselves.” (Funeral industry trade body)

Finally, a small number of comments suggested the Code should incorporate explicit mention of equalities or the Equality Act 2010. For example:

“It would be useful if the Code made specific reference to Equalities and the importance of recognising and respecting different cultural norms, LGBT+ relationships and that rites of passage should be designed to support and reflect values, beliefs and philosophies of the individual” (Non-funeral director organisation)

7. Reportable Incidents: Question 17

Question 17

The Code sets out two events/reportable incidents that should be reported to inspectors within 48 hours. These are: damage to ashes and complaints about the care of deceased persons. Are there any other events/reportable incidents that should automatically be reported to inspectors within 48 hours, e.g. accidental damage to a deceased person?

Seventy-six of the 86 total consultation respondents answered Question 17. Overall, a majority (42) of those who responded answered 'yes', that there were more than the two events/reportable incidents that should be reported to inspectors within 48 hours. The rest of the respondents were evenly divided between responding 'no' and 'don't know'.

Table 22: Responses to Question 17.

Answer	Number
Yes	42
No	17
Don't know	17
Total	76

From the open-ended comments received, some stated that the proposed reporting requirements were sufficient, and noting that the "two incidents proposed would cover all eventualities." (Faith/religion based organisation)

However, the majority of comments received suggested the Code was too narrow in scope. Some comments suggested the reporting requirement should be made as broad as possible, and examples were provided:

"I think that anything that causes concern to a family should be able to be reported as soon as possible, within 48 hours. Including the attitude of staff to family members/general public." (Individual)

Where these types of comments provided more detail, they were categorised into four groups: (i) incidents involving bodies or remains; (ii) incidents that do not involve bodies or remains; (iii) need for greater clarity in the Code; (iv) procedure for reporting.

First, 14 comments specifically noted that any events/incidents directly involving deceased peoples' bodies, or remains, should be reported to inspectors within 48 hours. Similarly, many respondents also felt the loss or misidentification of bodies or remains was necessary to report. For example:

“As care of the deceased and their ashes are the most important things the industry are entrusted with these should be the focus of the 48 hour reportable events. Any incident relating to the loss of, or the failure to be able to identify, a deceased person (including ashes) should be immediately reported to the Inspector.” (Funeral industry trade body)

However, a small minority of comments expressed that minor, accidental damage to deceased people should not be reported:

“I would caution against requiring funeral directors to report any accidental damage to a deceased person as this would include very minor damage such as a slight marking of the skin, which can happen.” (Funeral director organisation)

Second, many comments suggested that a number of other incidents which do not directly involve deceased peoples’ bodies or remains should be reportable. For example, a small number of comments pertained to the mishandling of deceased people’s personal effects as a reportable offence (although it was also suggested this type of offence could be subject to a secondary, longer reporting timescale).

Respondents sometimes provided examples of multiple potential reportable offences, which went beyond the treatment of personal effects. These are listed below:

- Any form of malpractice or serious incident,
- General uncleanliness of a premises,
- Actions of doctors and/or coroners (relating to delays for funeral directors/their clients),
- Failure to complete necessary documents,
- Harassment claims,
- Inappropriate pursuit of business during sudden death call outs,
- Staff misconduct,
- Any accident involving the vehicle used to transport a deceased person,
- A business going insolvent,
- Breakdown or failure of essential equipment,
- Damage or break-ins at premises,
- Disputes over donations,
- Client’s dissatisfaction with services,
- Failure to adhere to instructions regarding care of the deceased or funeral arrangements,
- Clients being provided incorrect information regarding burial/cremation processes or availability.

Third, a set of comments called for more clarity in this section of the Code, particularly regarding definitions or descriptions of terms used:

“...”Complaints about care of deceased” could be worded better - wording along these lines is liable to give rise to minor complaints such as issues regarding presentation of hair/make up, etc...” (Funeral director organisation)

“We agree that loss or damage to ashes should be a reportable event. Additional clarity over what 'damage' means may be beneficial. In relation to care of the deceased, we believe that Point 51 in Section 5 requires further definition in relation to reportable events. For example, this should include specifically the mis-identification of the deceased which has resulted in an incorrect cremation or burial. In addition, we would expect that it is not just complaints which would need to be reported, but self-reporting by firms should take place when it is established that certain events have occurred, irrespective of whether a complaint has been received from a client. We would also request further clarity on the extent to which 'near misses' regarding mis-identification (of either ashes or care of the deceased) would be reportable.” (Funeral director organisation)

Finally, a minority of comments related to the issue of self-reporting and the appropriateness of reporting to inspectors. Certain respondents suggested that the Code should compel or otherwise incentivise self-reporting by funeral directors. This is evident in the comment directly above. However, another small minority of respondents suggested complaints or issues are or should be dealt with by other entities than inspectors. For example, that any complaints should be dealt with internally or by trade bodies. One comment also noted that “all aspects of our work are governed by other agencies such as health and safety and environmental health”. (Funeral director organisation)

8. Question 18: Other Comments

Do you have any other comments on any aspects of the Code not covered by the questions in this consultation?

Question 18 invited respondents to submit further comments on the Code. Fifty-three of the 86 total consultation respondents did so.

Where possible and relevant, responses to this question were collated with responses elsewhere in this report (for example, noting that the issue of training and qualifications may require further consideration). The remaining comments have been analysed here.

Certain comments received in answer to Question 18 expressed general satisfaction with the Code, for example noting that it was ‘long overdue’ and feels ‘comprehensive’. To illustrate:

“I believe the funeral profession must be internally but especially externally monitored to ensure security and peace of mind for the bereaved and this is a fantastic start.” (Funeral director organisation)

However, most comments indicated that the Code could be improved. A number of these reiterated themes which have arisen across this consultation analysis report. For example, comments highlighted the need for greater clarity around terms used across the entire Code (e.g. “client”, “first offices”⁶, “invasive procedures”, or “funeral director”, as well as what comprises an appropriate “vehicle”).

The comments also highlighted the need to consider the disparity between large/metropolitan and SMEs/rural funeral directors, and making allowances such as extending the time needed to meet compliance for the latter. These comments aligned with those made across the consultation analysis.

Additionally, some respondents raised the issue of ensuring the wishes of the deceased were respected, particularly if they requested a religious service:

“Where a religious service has been requested by the deceased or next-of-kin funeral directors should contact the relevant parish minister or minister/priest of the religious body with which the deceased was associated. Too often funeral directors have given up trying to contact the parish minister after only one attempt, in order to be able to book a slot at crematoria etc. As a result the wishes of the deceased and/or next-of-kin are overridden for unsound commercial reasons.” (Individual)

Comments also highlighted additional issues in the Code, including transparency-related requirements; first contact requirements; obligation to check the deceased

⁶ This term refers to the process of making a person who has died suitable viewing, for example cleaning, washing, and dressing the body.

every 24 hours; details about procedures and protocols; cost; role of volunteers; and funeral director wellbeing. These are described below.

A number of comments indicated the Code should include more transparency-related requirements, for example that funeral directors should clearly display the name of their corporate company owner, if applicable. Further, that the Code could signpost to more third parties (e.g. that the Code should include a requirement for funeral directors to signpost clients to the Scottish Government's Funeral Support Payment). Other comments highlighted a concern about the need to provide information on alternative funeral services which might be available elsewhere.

Comments also suggested a need to further consider the first contact requirements. For example, it was noted that some details in the Code listed as minimum requirements may not be required at first contact if the death occurred in a hospital or it may not always be possible to attach an identification tag directly to all bodies.

A number of comments raised concerns around requiring checks every 24 hours on the condition of deceased people in a funeral director's possession. Most highlighted that this needed to be reconsidered or greater detail provided about what would be required. Saying this, one trade body stressed their support of 24 hour checks and noted they would "strongly oppose" attempts to "downgrade" them.

Comments also noted that the Code could provide greater detail about appropriate procedures and protocols for funeral directors. This included: a protocol for clients to transfer to an alternative funeral director; how to engage a burial or cremation authority; and the requirement to obtain professional indemnity insurance cover. Another comment suggested the need to further consider complaints procedures in the Code, specifically where funeral services have been organised using a 'plan provider':

"[Redacted] recommends that the Scottish Government amend the draft code of practice to make explicit the right of customers and their families to raise a complaint directly with the plan provider if the funeral services are delivered via such a product and to ensure that plan providers handle such complaints in line with the principles set out in the draft code" (Non-funeral director organisation)

In relation to costs of funerals, a comment noted it may be difficult to keep costs down "with all of the extra record keeping we are going to be expected to do as proposed in the code of practice" (Funeral director organisation). Relatedly, one respondent stated it was "encouraging" that the draft Code requires funeral directors to make accurate, itemised and up to date price lists available to the client. Other respondents suggested these price lists should be specifically available online:

"The code in no way addresses the extreme vulnerability of bereaved people when arranging a funeral by demanding complete transparency of cost and service. Forcing funeral directors to list their prices online should be mandatory. Providing a printed price list and written estimate does not go far enough - it's already standard for trade association members to do that." (Funeral director organisation)

One comment suggested the Code needed to more deeply consider or account for the role of volunteers in the industry:

“...it seems clear that the Code does not apply where a person carries out the functions of a funeral director purely on a voluntary basis, for example in respect of family, friends or persons well known to them. We suggest this clarification could be embodied suitably in the Code to prevent unnecessary friction further down the line when the Code is activated by the Scottish Government.”
(Faith/religion based organisation)

Finally, a question was raised in the comments about whether funeral industry staff wellbeing and resilience could be considered.

9. Next Steps and Considerations

The Scottish Government will draw on this report and other sources to inform its revisions of the draft Code of Practice.

A significant number of comments made by respondents across this consultation indicated that SMEs or rural funeral directors could be disproportionately negatively affected by the Code. Further, there was concern the Code did not sufficiently account for non-traditional approaches to funeral services. The Scottish Government intends to seek out the views of these groups of funeral directors to inform the next iteration of the Code.

The Scottish Government notes there are currently no minimum requirements one has to meet to practice as a funeral director in Scotland or the UK. However, the Scottish Government is currently unable to require Scotland's funeral directors to achieve a particular level of training or qualification. This is because the infrastructure is not yet in place to deliver widespread accredited training and qualifications to Scotland's funeral directors and funeral arrangers/administrators or funeral service operatives/assistants/drivers/bearers (see Annex A for more information about accreditation). Additionally, Scottish Ministers are unable to specify a training course, or qualification; they are able to specify a SCQF level requirement only. As a result, while it is not possible to include training in the Code of Practice, the Scottish Government will work with trade associations and others in the sector to determine the most appropriate way of delivering accredited qualifications for funeral directors in Scotland.

Responses to this consultation noted that funeral directors who do not have their own mortuary facilities may routinely make use of local NHS mortuaries (see Question 1). The Scottish Government was aware of this prior to the consultation. Considering the significant, prolonged strain on a wide-range of NHS Scotland services⁷, the Scottish Government does encourage funeral directors to invest in their own mortuary facilities, where this is possible. Building on this, the proposed Code requires a funeral director to either have their own mortuary, or to have a formal SLA in place with a third-party provider. The proposed Code requires that all relationships between funeral directors and third-parties (including the NHS), in respect to the care/storing of deceased people, be formalised.

The Scottish Government recognises that the Code will introduce statutory requirements to an industry that is facing regulation for the first time in its history. The Scottish Government is mindful of the need to mitigate the risk of some requirements in the Code having a negative impact on funeral directors (for example by allowing for a reasonable timeframe to meet the requirements of the Code before it comes into force). Ongoing discussions with the funeral sector will include a focus on these issues. Further, before final publication, the Code will be scrutinised by the

⁷ https://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_181025_nhs_overview.pdf

Short-life Working Group on Care of the Deceased. Following publication, the Code will be periodically reviewed.

Annex A

Qualifications and accreditation

Professions typically require a prospective member to undertake a training course or apprenticeship, or to complete a particular qualification as a core requirement of membership (among other requirements, such as: examinations; fulfilling a practicum component, etc.), which enables a prospective member to practice that profession.

Professional qualifications can be used to set a competency benchmark for a profession's members. They contribute to the skill growth and good practice standards of a profession.

It is difficult to assess the quality of a qualification, which is why accreditation is so important. Accreditation means that there are minimum standards in place that an education provider must meet, which are monitored and subject to strict requirements and control by an external regulator who has been granted that power through Act of Parliament.

In addition to ensuring a minimum quality standard is consistently applied, accreditation gives context to a qualification. It does this through the allocation of levels and credit points.

Qualification levels: most qualifications have a complexity level (1-12 in Scotland). The higher the level, the more complex the qualification is.⁸

Credit points: All accredited qualifications have credit points. They help to quantify learning outcomes, indicating the amount of time that an 'average' learner at a specified level might expect to achieve the outcomes of a qualification. One Scottish Credit and Qualifications Framework (SCQF) credit point represents 10 notional learning hours. Most mainstream qualifications in Scotland have been allocated a set amount of SCQF credit points (e.g. an SQA Higher has 24 credits at level 6, or 240 notional learning hours).

At the time of consulting, there were no funeral director qualifications listed on the SCQF⁹. There are a handful of funeral service qualifications listed on the Register of Regulated Qualifications (for England and Northern Ireland), and on the Credit and Qualifications Framework (for Wales – although at time of consultation they were recorded as 'no longer available').

⁸ <https://www.sqa.org.uk/sqa/71377.html>

⁹ One related SQA course is available in Scotland, however this is focused on cremation. More information available here: [National Workplace Award Principles and Practice of the Cremation Process SCQF level 5 - SQA](#)



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