

# **Inspectors of Burial, Cremation and Funeral Directors**

**Interim Annual Report**

**1st October 2022 - 31st March 2023**

**July 2023**

# Inspectors of Burial, Cremation and Funeral Directors – Interim Annual Report – 1 October 2022 – 31 March 2023

## Introduction

1. This report has been compiled by Robert Swanson QPM, Senior Inspector of Burial, Cremation and Funeral Directors and Professor Gordon Findlater, Inspector of Burial, Cremation and Funeral Directors. It is in accordance with the requirement of Section 93 of the Burial and Cremation (Scotland) Act 2016 ('the 2016 Act') to provide Scottish Ministers with a resume of duties undertaken since submission of the last [Annual Report](#) (which covered the period 1<sup>st</sup> October 2021 to 31<sup>st</sup> September 2022).
2. To bring this report into line with other departmental annual reports submitted to Scottish Ministers (ending 31<sup>st</sup> March 2023), it contains details of the duties undertaken by the Senior Inspector and Inspector during the six month period from 1<sup>st</sup> October 2022, to 31<sup>st</sup> March 2023.

## Brief Background

Senior Inspector of Burial, Cremation and Funeral Directors

3. Robert Swanson, QPM was first appointed to the post of Inspector of Crematoria in March 2015, following a recommendation in the [Report of the Infant Commission](#), headed by Lord Bony, into historic practices concerning the cremation of babies at Mortonhall Crematorium, Edinburgh. This original appointment was made under the Cremation (Scotland) Regulations 1935, which at that time was the most up-to-date legislation relating to cremation.
4. Since that time, the 1935 regulations have been repealed and replaced by the Burial and Cremation (Scotland) Act 2016, which came into force on 28th April 2016.
5. On 4th April 2019 the Cremation (Scotland) Regulations 2019 came into force introducing a number of significant changes, including new statutory forms, new NHS forms, provision for electronic transfer of documentation, revised retention of records, new instructions on handling and dispersal of ashes, and a requirement for cremation authorities to create and maintain a Crematorium Management Plan.
6. Also on 4th April 2019, the Inspector was re-appointed under the new legislation, as 'Inspector of Cremation', with a broader remit extending to the whole cremation process.
7. Most recently, as a result of a decision by Scottish Ministers to pursue regulation of the whole funeral sector, including the licensing of funeral directors, the new post of Senior Inspector of Burial, Cremation and Funeral Directors was created with effect from 1<sup>st</sup> October 2020.

8. Mr Swanson was appointed to the new post from that date (which replaced the author's previous post), on a three-year contract, expiring on 30<sup>th</sup> September 2023.

#### Inspector of Burial, Cremation and Funeral Directors

9. On 1<sup>st</sup> December 2020, Professor Gordon Findlater, current HM Inspector of Anatomy was appointed to a parallel post as Inspector of Burial, Cremation and Funeral Directors on a part-time basis. This contract was also for three years, expiring 30<sup>th</sup> September 2023.
10. Professor Findlater also holds the post of His Majesty's Inspector of Anatomy for Scotland. He has held that post since August 2018.
11. Further appointments of Inspectors are intended in the near future, as part of the broader efforts to regulate the funeral sector, utilising the powers provided in the 2016 Act.

#### **Duties Performed by the Senior Inspector and Inspector**

12. Since submission of the last report, the Senior Inspector and Inspector have carried out Annual Inspections of 15 of the 33 crematoria in Scotland, with the remaining 18 scheduled to be completed throughout the remainder of 2023.
13. The main findings from the Inspections confirms that there continues to be 100% recovery of ashes from all cremations.
14. Whilst enforced Covid-19 restrictions have been lifted, crematoriums continue to implement safety measure precautions and have maintained a number of what was seen as good practice during the period of the pandemic (e.g. hand sanitiser, wearing of face coverings in certain circumstances, avoiding unnecessary staff contact etc).
15. Most crematoria commented that they have experienced a notable increase in cremations over the recent months (further details later in this report).
16. There have been no notable delays to funerals, with all crematoria operating below capacity (further details later in this report).
17. The Inspectors continue to work closely with numerous stakeholders within the funeral industry, including Federation of Burial and Cremation Authorities (FBCA), the Institute of Cemetery and Crematorium management (ICCM), the National Association of Funeral Directors (NAFD) and the National Society of Allied and Independent Funeral Directors (SAIF). While in-person inspections have been re-established since the Covid-19 pandemic, the majority of discussions with stakeholders continue to be held remotely.
18. The Inspectors have continued to make contact with funeral director businesses to gain further understanding of the operations of the sector.

19. The Inspectors have continued to contribute to the Scottish Government's development of proposals to regulate the funeral sector under the 2016 Act. This includes being members of related Working Groups, contributing to the development of public consultations, and contributing to the development of policies and procedures for the future administration of an inspection regime for the funeral sector.

## **Enquiries / Complaints**

20. The following is an anonymised summary of a selection of the various complaints and enquiries dealt with by the Senior Inspector and Inspector during the six month period of this report.

21. Whilst almost all of these have been completed by the Inspectors with no further action required, it is believed that a small number may still be the subject of further consideration by others, including civil action.

### Complaints or enquiries related to operations in funeral sector

#### Crematoriums

- Concerns regarding crematorium operations, including: an error which resulted in incorrect timing for a cremation; and complaint concerning floral tribute having been cremated along with the coffin.
- Enquiries and complaints concerning discovery of unanticipated objects or materials in ashes following cremations.

#### Burial Authorities

- Enquiries and concerns regarding burials and potential burials of pets in burial grounds.
- Concerns regarding management of a private churchyard and lack of available space for future pre-sold plans.
- Complaint regarding a dispute over the available spaces in a purchased lair.

#### Funeral Directors

- Concerns regarding funeral director operations, including charging for storage of deceased pending post mortem and typing error on coffin nameplate.
- Self-referral by a funeral director to Inspectors regarding them inadvertently requesting a family attend to collect historic ashes, despite the family having already received the ashes several years ago.
- The alleged unauthorised removal by a funeral director of a body from hospital to their premises. This arose from a breakdown in communication between the family of the deceased and the funeral director.

## Other enquiries

- Enquiry concerning plans for the cremation and disposal of ashes of a person who had been convicted of a violent crime.
- Several enquiries regarding documentation required for pregnancy loss including a) at home, b) after a prolonged period of time, c) at a hospital in England with cremation in Scotland.
- Enquiry regarding discrepancies in paperwork relating to presence of pacemaker.
- Enquiries regarding documentation required for exhumation.
- Enquiry concerning application for cremation when two family members have Joint Power of Attorney.
- Assistance to a Local Authority on complex matters of a sensitive nature relating to cremation of a child.

22. The powers of the Inspectors remain limited, as regulations related to inspection have not yet been developed and brought into force. However, the cause and outcome of all enquiries and complaints have been addressed to the extent possible, and steps have been taken to minimise the likelihood of recurrence where appropriate.

## Conclusion

23. Figures from the National Records of Scotland (NRS) show that in 2022 there were 62,942 deaths in Scotland, with 16,856 recorded for the three months October to December, a rise of 9.3 per cent over the last five years.<sup>1</sup>

24. Whilst the funeral industry coped admirably with the increase during that period, there were concerns raised regarding available storage space at hospital mortuaries and funeral parlours. In order to address these concerns numerous meetings were held with all stakeholders with steps taken to minimise blockage.

25. In addition, and to ensure that the time of the journey from point of death to funeral was kept to a minimum, a number of different stages were addressed separately by stakeholders. This included collection of the deceased, granting and issue of the death certificate, registration, booking and delivery of the funeral. As stated earlier this ensured there were no notable delays.

26. As highlighted in the previous report there remains uncertainty within the industry as regards how the cost of living and energy crisis will impact on the services provided, and it is noted that a number of crematoria have already applied an energy levy of around £30 to £40 per cremation.

---

<sup>1</sup> [Births, Deaths and Other Vital Events - Quarterly Figures: Fourth Quarter | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk)

27. Other ongoing matters being considered by the Senior Inspector at this time include a noted increase in funerals being booked on-line, and the subsequent sub-contracting of these to other funeral directors. Issues being encountered relate mainly to satisfactory completion of all required paperwork.
28. It is the view of the Inspectors that there is undoubtedly an increasing awareness in the funeral trade of the forthcoming regulatory changes, which are welcomed. It is generally accepted that these are not only to the benefit of the funeral trade but also and particularly to the public they seek to serve.
29. Over the coming year it is the intention of the Inspectors to continue to carry out the annual inspection of all crematoria in Scotland, to assist in the development of an inspection programme and licensing scheme for funeral directors, to assist in the development of an inspection programme for burial authorities and burial grounds, and to ensure enquiries and complaints are dealt with timeously.
30. In closing the Inspectors would like to record their appreciation and thanks for the assistance and co-operation afforded to them throughout the period of this report.

Respectfully Submitted

Robert Swanson QPM  
Senior Inspector of Burial, Cremation  
and Funeral Directors

Gordon Findlater  
Inspector of Burial, Cremation  
and Funeral Directors

22 June 2023



© Crown copyright 2023



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83521-141-0 (web only)

Published by The Scottish Government, July 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1328362 (07/23)

W W W . g o v . s c o t