

Infant Cremation Commission - Scottish Government Response

INFANT CREMATION COMMISSION – SCOTTISH GOVERNMENT RESPONSE

Introduction

1. The Infant Cremation Commission, chaired by the Rt. Hon. Lord Iain Bonomy, was established in April 2013 to examine the policies, practice and legislation related to the cremation of infants in Scotland. In the course of its work the Infant Cremation Commission has had the opportunity to consider the report of Dame Elish's Mortonhall Investigation.
2. The Infant Cremation Commission has now completed its work and Lord Bonomy provided a copy of the Commission's report to Scottish Ministers on 12 June

Commission Recommendations

3. The Scottish Government accepts all recommendations of the Infant Cremation Commission without reservation. The work of the Commission has clearly identified actions which can be taken by Government or by others to address the sort of failings and inconsistent practice that has given rise to the events that have emerged in recent years.
4. Annex A to this document provides detailed comments from Scottish Government to each of the Commission's recommendations. We have set out clearly how each recommendation will be taken forward, and by when.
5. A key strand of activity relates to the establishment of a National Committee, headed by a Scottish Government official, to oversee the implementation of many of the recommendations. A National Committee will be established as a priority and the Committee will be tasked with developing an Action Plan setting out how each recommendation it is responsible for will be progressed. Many of the comments in the attached table therefore refer to the Committee and the Action Plan.
6. A second key strand of activity relates to legislative change. The Government has already committed to a new Burial and Cremations Bill. This new primary legislation will be a vehicle for all of the recommended legislative changes. The Government plans to issue a public consultation on the Bill by the end of 2014. Many of the comments in the attached table therefore refer to this upcoming legislation.
7. The Government is keen to ensure that affected parents, or their representatives, are involved in this work. The Commission has identified specifically where parents should have an opportunity to be involved, and the Government is very happy to support this. Affected parents will have a place on any of the new groups or committees if they want it.

Accountability

8. The National Committee will report to Government on an annual basis, and these reports will be published on the Scottish Government website so that progress can be monitored by any interested person.

Scottish Government

17 June 2014

Link to the published Report of the Infant Cremation Commission:
www.scotland.gov.uk/infantcremationreport

Annex
INFANT CREMATION COMMISSION: SUMMARY OF RECOMMENDATIONS

Recommendation	Government Response	Timescale
<p>1 In legislating, devising policy, drafting information and guidance documents, and making arrangements for and conducting baby cremations, the baby and the interests of the family should be the central focus of attention. Parents and families should be given time and space to reach the correct decision for them. Arrangements should be in place at each hospital for on-going contact with parents, particularly mothers, where that contact is necessary. (11.34)</p>	<p>Accepted. The Government endorses recommendation 1 as a fundamental principle of practice in this area.</p>	<p>All organisations involved in infant cremation, or in supporting bereaved parents, should adopt this principle immediately.</p> <p>All hospitals dealing with bereaved parents should ensure arrangements are in place to support on-going contact with parents where necessary.</p> <p>This Recommendation will be monitored by the National Committee proposed at Recommendation 57.</p>
<p>2 The FBCA in the course of their “critical friend” visits to crematoria and the ICCM in their self-assessment questionnaire should address specifically the conduct of baby cremations and recovery of ashes. (5.6)</p>	<p>This is primarily for the FBCA and ICCM, but the Scottish Government supports this recommendation. FBCA and ICCM will be expected to amend practice in this way.</p> <p>Both FBCA and ICCM were represented on the Commission and have committed to taking forward recommendations.</p>	<p>The National Committee proposed at Recommendation 57 will have oversight of this recommendation. Both organisations will be expected to confirm when training programmes will be updated to the National Committee and this will be included within the National Committee Action Plan.</p>
<p>3 The “ashes” which the Cremation Authority is obliged to give into the charge of the person who applied for the cremation if he so desires should be defined in legislation as “all that is left in the cremator at the end of the cremation process and following the removal of any metal”. That should not preclude the applicant from consenting in advance to the removal of metals, such as coffin nails and artificial joints, and their separate disposal, including as part of a metal recycling scheme. (7.21)</p>	<p>Accepted. Legislation will be amended to reflect this definition.</p> <p>Government will consider whether or not existing powers can be used to amend the 1935 Regulations, but that is not likely to be possible in relation to non-viable foetuses (which are not currently regulated for the purposes of cremation), and so would only be a partial response.</p>	<p>If this amendment can be made to the 1935 Regulations using existing powers this will be done by April 2015 at the latest.</p> <p>If primary legislation is required the new Burials and Cremations Bill will set out the necessary provisions. A consultation on the bill will be published by the end of 2014.</p> <p>(Even if the 1935 Regulations can be updated immediately, that will be a temporary arrangement until the new Burials and Cremations Bill replaces the 1935 Regulations.)</p>
<p>4 Cremation Authorities should review their practices immediately to ensure that, in dealing with the “ashes” following cremation, they proceed on the basis that the “ashes” are as defined in the foregoing recommendation. (7.21)</p>	<p>This is for Cremation Authorities and the ICCM and FBCA, but Scottish Government supports the recommendation.</p>	<p>Cremation Authorities should proceed on this basis immediately – it is not necessary to await legislation. The National Committee proposed at Recommendation 57 will monitor practices, and this approach will also be included in the Code of Practice in recommendation 61.</p>

<p>5 The Scottish Government should inform their counterparts in England and Wales and Northern Ireland about the changes in legislation in Scotland to enable them to consider clarification of the definition of “ashes” in identical terms. (7.23)</p>	<p>Accepted. Scottish Ministers will write to counterparts in the three UK Governments reflecting this point, and the work of the Commission more generally.</p>	<p>Scottish Ministers will write to counterparts by the end of June 2014.</p>
<p>6 All Cremation Authorities at whose crematoria ashes are not always recovered should liaise with a crematorium or crematoria where ashes are recovered more regularly to share their experiences and information about their respective practices in order to identify changes in practice that should be introduced immediately with a view to increasing the prospects of recovering ashes. (8.13)</p>	<p>This is for Cremation Authorities but Scottish Government supports the recommendation and expects all Cremation Authorities to take immediate steps to ensure practices are adopted to increase the potential for ashes to be recovered.</p>	<p>The implementation of this recommendation will be monitored by the National Committee proposed in Recommendation 57.</p> <p>Cremation Authorities will be expected to report at the first meeting of the National Committee on their progress towards implementation of this recommendation.</p>
<p>7 The Cremation Authorities which have rejected the use of trays for baby cremations on health and safety grounds should urgently consider, in light of the experience of others, the introduction of a local protocol to allow trays to be used in a way that will expose no one to undue risk. (8.14)</p>	<p>This is for Cremation Authorities but Scottish Government supports the recommendation. and expects all Cremation Authorities not currently using baby trays to look at this as a matter of urgency.</p>	<p>The implementation of this recommendation will be monitored by the National Committee proposed in Recommendation 57. The use of baby trays will be included in the Code of Practice proposed in Recommendation 61.</p> <p>Cremation Authorities will be expected to report at the first meeting of the National Committee on their progress towards implementation of this recommendation.</p>
<p>8 As an urgent interim measure, the ICCM and the Federation of Burial and Cremation Authorities (FBCA) should form a joint working group, which should also include two lay persons nominated by the Scottish Government and a representative of Facultative Industries Ltd, to consider the various practices and techniques currently employed in baby and infant cremation in full-scale cremators with a view to identifying those practices which best promote the prospect of recovery of ashes inclusive of baby remains and compiling guidance for cremator operators. The working group should identify aspects of the cremation process which could conceivably be changed or improved and into which research ought to be commissioned by the Scottish Government. The working group’s endeavours may be assisted by the fact that the majority of cremators in use in Scotland are produced by the same manufacturer, Facultative Technologies Ltd. (8.36)</p>	<p>Recommendations 8, 9 and 10 are for ICCM and FBCA but Scottish Government supports the recommendation. The Scottish Government will support the establishment of such a working group, and will provide any assistance necessary to ICCM and the FBCA to take this work forward.</p> <p>The Scottish Government will work with affected parents to identify two lay members for this group.</p>	<p>The Working Group will be established as a priority over the summer of 2014.</p> <p>In due course the Working Group will become a sub-group of the National Committee recommended in recommendation 57, once that Committee is established.</p>

<p>9 Following completion of its work in 8 above, that working group should also consider the operating systems and other features of the cremators in use in Scotland and the practices currently employed with a view to identifying those aspects of the cremation process which could conceivably be changed or improved and into which research ought to be commissioned by the Scottish Government. That should include the practice of cremating babies at the end of the working day and overnight with the cremator operating and monitoring equipment switched off in a way that will cause no material environmental damage and satisfies SEPA that it should be permitted, with a view to increasing the prospects of recovering ashes. (8.36 and 8.39)</p>	<p>As above.</p>	<p>As above</p>
<p>10 That working group should consider and advise whether, in light of experience in England and Ireland, and having regard to their efficiency in recovering ashes and the costs of installation and operation, the Scottish Government should commission research into the design and development of small-scale cremators. (8.40)</p>	<p>As above.</p>	<p>As above</p>
<p>11 Each Cremation Authority should publish a policy statement, which should include a commitment to the sensitive treatment of the baby throughout and to respecting the wishes and needs of parents and families, and also set out the Authority's policy on ashes. To ensure clarity and consistency the ICCM and the FBCA should form a joint working group to develop a model policy statement reflecting best practice and allowing for local variation as appropriate. (8.44)</p>	<p>This is for Cremation Authorities and the ICCM and FBCA, but Scottish Government supports the recommendation and expects Cremation Authorities to respond to this recommendation as a priority, based on advice from ICCM and FBCA. The Scottish Government will support any joint discussions between ICCM and FBCA that may be necessary.</p>	<p>The Scottish Government can see no reason why such policy statements cannot be published swiftly. Cremation Authorities will be expected to have appropriate policy statement in place by the end of August 2014.</p> <p>Cremation Authorities will report progress against this recommendation to the first meeting of the National Committee. The subject of policy statements will be included in the Codes of Practice in recommendations 29 and 61.</p>
<p>12 Funeral directors and healthcare staff should include appropriate extracts from the Cremation Authority policy in information and guidance material given to families. (8.45)</p>	<p>Accepted. Funeral directors and the NHS should ensure the policy statements of relevant Cremation Authorities are included within information and guidance as soon as possible.</p>	<p>The NHS and Funeral Directors should ensure materials are updated as soon as policies are published by Cremation Authorities.</p> <p>The implementation of this recommendation will be monitored by the National Committee proposed in Recommendation 57, and the first meeting of the Committee will consider progress against the implementation of this recommendation.</p>

<p>13 The cremation of non-viable babies should be the subject of legislative regulation. (9.4)</p>	<p>Accepted. Legislation will be amended to reflect this recommendation.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>14 Appropriate forms of application for cremation should be prescribed for each of three categories of cremation of babies and infants: (a) stillborn baby; (b) shared cremation of non-viable babies; and (c) individual cremation of a non-viable baby. (9.7, 9.23, 9.40, 9.42 and 9.44)</p>	<p>Accepted. Legislation will be amended to reflect this recommendation and separate statutory forms will be prescribed.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014</p>
<p>15 On each form of application for cremation there should be a clear warning, in terms appropriate to that form, that ashes may not be recovered, with provision for the applicant to acknowledge having read that warning. In the case of (b) shared cremations the warning should also state that any ashes recovered will either be scattered or interred, and specify which, at the crematorium. (9.10, 9.24, 9.40, 9.44)</p>	<p>Accepted. Legislation will be amended to reflect this recommendation.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>16 In the context of their introduction of a new death certification process, the Scottish Government should review the currently prescribed content of cremation application Form A to ensure that only essential questions are incorporated into the new prescribed forms for (a) and (c). (9.18, 9.24 and 9.44)</p>	<p>Accepted. Form A will be reviewed as part of the implementation of the Certification of Death (Scotland) Act 2011.</p>	<p>Implementation of the new death certification process is planned for April 2015.</p>
<p>17 All forms of application prescribed should be designed by the Scottish Government with simplicity and clarity in mind, and all Cremation Authorities, Health Boards and other healthcare providers should be required to use the forms so prescribed and designed. (9.14 and 9.16)</p>	<p>Accepted. Forms will be designed on this basis.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>18 The forms prescribed for (a) and (c) should contain a question requiring the applicant to specify how the ashes should be dealt with following the cremation. The options available should include retention for a defined period pending a final decision and also later extending the period of retention. (9.10, 9.24 and 9.44)</p>	<p>Accepted. This provision will be included when legislation is updated.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>

<p>19 There should be provision in forms for (a) and (c), or on a separate form, for the applicant to authorise a representative, such as the Funeral Director, to collect the ashes. Where the Funeral Director is the person authorised, the form should also provide for the consent of the applicant to the Funeral Director returning the ashes to the crematorium in the event that the applicant does not collect them from the Funeral Director or give the Funeral Director instructions as to their disposal within a defined period. (9.11)</p>	<p>Accepted. This provision will be included when legislation is updated.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>20 There should be a specific legislative provision that the cremation should not be authorised to proceed if the application does not contain a clear direction as to how the ashes should be dealt with. (9.12)</p>	<p>Accepted. This provision will be included when legislation is updated.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>21 Where ashes are left in the care of the crematorium on the basis that they will be collected, or to await further instructions within a defined period, the Cremation Authority may not scatter or inter them unless 14 days' notice of their intention to do has been given to the applicant. (9.13)</p>	<p>Accepted. This provision will be included when legislation is updated.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>22 The forms prescribed for (a) and (c) should be completed and signed by the applicant personally, and the applicant's signature should be witnessed by a person who is not a member of the applicant's family and has no part in the arrangements for the cremation. (9.9, 9.10, 9.21 and 9.44)</p>	<p>Accepted. This provision will be included when legislation is updated.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>23 It should be provided in legislation that those entitled to apply for cremation are: (i) in the case of (a) and (c) the nearest relative as defined by section 50 of the Human Tissue (Scotland) Act 2006; and (ii) in the case of (b) a person authorised by the Medical Director of a Health Board or other healthcare provider, and that an application presented by a different person should be accepted only on cause shown, which should be recorded in the register referred to below. (9.19, 9.20 and 9.42)</p>	<p>Accepted. This provision will be included when legislation is updated.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>

<p>24 Senior Cremation Authority staff should be responsible for the scrutiny of all cremation application forms to satisfy themselves that the applicant is entitled to make the application as mother, nearest relative or on cause shown. There should be legislative provision that, if the Cremation Authority is not satisfied of the applicant's entitlement to apply, then authority for the cremation to proceed may be refused. (9.20)</p>	<p>Accepted. This provision will be included when legislation is updated.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>25 Legislative provisions similar to those in Regulation 20 of the 2008 Regulations (England and Wales) should be introduced requiring appropriate certification of a stillbirth. (9.22)</p>	<p>Accepted. Legislation will be updated to reflect this.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>26 The duty of Cremation Authorities as to the handling of ashes set out in Regulation 17 of the 1935 Regulations should be extended to apply to stillborn and non-viable babies. (9.25)</p>	<p>Accepted. Legislation will be updated in this way.</p>	<p>The recommendation proposes amendments to existing secondary legislation. If possible the Government will make these amendments by the end of 2014/15. If not the Burials and Cremations Bill will address this point.</p>
<p>27 The provisions of Regulations 13 and 15A of the 1935 Regulations should be amended to apply to stillborn children. (9.26)</p>	<p>Accepted. Legislation will be amended as recommended.</p>	<p>The recommendation proposes amendments to existing secondary legislation. If possible the Government will make these amendments by the end of 2014/15. If not the new Burials and Cremations Bill will address this point.</p>
<p>28 NHS Scotland should review the provision of the facility of hospital-arranged cremation throughout Scotland with a view to making consistent provision in all Health Boards. (9.32)</p>	<p>Accepted. The Scottish Government endorses this recommendation and will work with Health Boards to ensure this is implemented.</p>	<p>Given that these arrangements may depend on contractual arrangements, Health Boards will be expected to have consistent provision in place by the end of April 2015. The National Committee proposed in Recommendation 57 will provide oversight on progress against this recommendation, and will consider this at the first meeting of Committee.</p>
<p>29 The Scottish Government should establish a working group comprising representatives of Health Boards, Funeral Directors, Cremation Authorities and miscarriage and child bereavement support organisations to consider evolving practices in the arrangement and conduct of shared cremations and to draw up a code of practice setting down minimum standards for shared cremations. (9.35)</p>	<p>Accepted. A working group will be established to consider these issues.</p>	<p>The National Committee proposed in Recommendation 57 will take on this action. This code of practice could be incorporated into overarching Code of Practice proposed at Recommendation 61 below.</p>

<p>30 The 2012 CMO and CNO Guidance on sensitive disposal should be reviewed and consideration should be given to revising it to take account of the comments made in Section 9. (9.36 to 9.39)</p>	<p>Accepted. The CMO/CNO Guidance will be updated.</p>	<p>A new CMO/CNO letter will be issued in summer 2014, which will an interim guidance while the work of the National Committee is in progress.</p>
<p>31 Annex C to the CMO and CNO Guidance should be revised to: (i) set out specifically the options for disposal explained to the mother above the space for her signature; (ii) state that ashes may not be recovered following cremation, and that any which are recovered will be scattered or buried at the crematorium; and (iii) state specifically that the standard procedure to be followed where the mother declines to discuss disposal is cremation along with others. (9.40 and 9.41)</p>	<p>As above.</p>	<p>As above</p>
<p>32 The form of application for (b) should state that each mother has authorised the hospital to arrange a shared cremation, and that such authorisation is held in hospital records. (9.40)</p>	<p>Accepted. This approach will be included in the updated form.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>33 Each application for cremation of a non-viable baby should be accompanied by a medical certificate that the pregnancy loss occurred before 24 weeks and showed no signs of life. (9.42)</p>	<p>Accepted. This requirement will be included in legislation.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>34 Cremation Authorities, Funeral Directors and Health Boards should review the contractual arrangements in place for shared cremations in light of ICCM guidance contained in Section 6 to satisfy themselves that the respective responsibilities of the parties are so defined as to ensure that such cremations are carried out in a dignified and sensitive manner. (9.48)</p>	<p>Accepted. The Scottish Government supports this recommendation. Such cremations should be carried out in accordance with the code of practice which will be developed as per Recommendation 29 above.</p>	<p>Cremation Authorities, Funeral Directors and Health Boards should be taking steps immediately to ensure arrangements are dignified and sensitive. Arrangements can be further reviewed/updated once the code of practice as proposed in Recommendation 29 is produced.</p>
<p>35 Each Cremation Authority should be required by legislation to record the cremation of each deceased baby, stillborn baby and non-viable baby carried out by the Cremation Authority in a register or registers comprising prescribed columns, every one of which must be completed, including in particular, if the ashes were scattered or buried, the date and their location and, if collected, the date and by whom. (10.4 and 10.5)</p>	<p>Accepted. This requirement will be set down in legislation.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>

<p>36 The Cremation Register should be a public document and the Scottish Government should make legislative provision to that effect, subject to any restrictions necessary in the interest of privacy and to comply with data protection requirements. (10.6)</p>	<p>Accepted.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>37 Each Health Board and other healthcare providers should maintain a register of authorisations in which the crematorium at which the baby was cremated is recorded in a way that will ensure traceability of the link between the baby and the ashes. (10.8)</p>	<p>Accepted. This does not need to be a legislative requirement – although we will consider including a provision in new legislation – and the NHS should put in place arrangements for such registers immediately.</p>	<p>If this is enshrined in legislation this would be via the Burials and Cremations Bill, to be introduced in 2015. However Health Boards needs not wait for that and can established registers immediately.</p> <p>The National Committee proposed in Recommendation 57 can provide oversight of this work to ensure a consistent approach, and this issue will be included in the Code of Practice proposed at Recommendation 61.</p>
<p>39 The registers kept by Cremation Authorities, Health Boards and other healthcare providers should be preserved indefinitely. All forms of application, certificates and other official documents relating to a cremation should be preserved for a minimum of 50 years. (10.10 and 10.11)</p>	<p>Accepted. Although the recommendation does not explicitly state that these requirements should be statutory, it may be appropriate to make this a legislative requirement. If so primary legislation would be the appropriate mechanism.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>40 The Scottish Government should form a working group drawn from Cremation Authorities and providers of software to crematoria to review the available facilities for electronic processing and storage of cremation documents and records, to consider and recommend appropriate improvements to achieve the objects of the recommendations of this Commission, and to consider what additional features and facilities the software manufacturers should be invited to develop, all with a view to ensuring that the systems in use by Cremation Authorities are as efficient and secure as possible. The working group should also consider and advise on the appropriate requirements for back-up systems. Having regard to the importance of keeping records secure, the working group should also consider and advise whether additional security measures are necessary and what back-up storage systems should be provided. (10.12)</p>	<p>Accepted.</p>	<p>This working group can proceed as a sub-group of the National Committee proposed in recommendation 57.</p> <p>Rather than specifying a specific end-date for this work the Government would ask the National Committee to consider establishing this working group on an on-going basis given the likelihood that IT systems will continue to evolve.</p>

<p>41 In the case of deceased and stillborn babies, on completion of the entry by recording the ashes location or collection and the date thereof, the Cremation Authority Registrar should be required to send a notice to the applicant confirming which occurred and, if scattered or interred, where that was, along with an extract of the full register entry. In the case of the individual cremation of a non-viable baby the Registrar should issue such a notice and extract on request and the form of application should provide for such a request to be made. (10.13)</p>	<p>Accepted. Although not explicitly stated within the recommendation this will be best be secured via a legislative requirement.</p>	<p>This will require primary legislation, and will be part of a new Burials and Cremations Bill. We will publish a consultation on this new bill by the end of 2014.</p>
<p>42 The ICCM and FBCA should review their respective technical training programmes in accordance with the requirements identified in Section 11. (11.12 to 11.16)</p>	<p>This is for ICCM and FBCA but Scottish Government supports the recommendation.</p>	<p>The National Committee proposed at Recommendation 57 will have oversight of this recommendation. Both organisations will be expected confirm when training programmes will be updated to the National Committee and this will be included with the National Committee Action Plan detailed below.</p>
<p>43 The FBCA should review all published guidance documents to provide clear and fully informed guidance on the prospects of ashes being recovered based on knowledge of skeletal maturity rather than gestational age alone. (11.14)</p>	<p>This is for the FBCA but Scottish Government supports this recommendation.</p>	<p>The FBCA will be expected to update all published guidance documents which are in use in Scotland as a priority. The FBCA will be asked to confirm to the National Committee which materials will be updated. The issue of Guidance documents will be addressed in the Code of Practice in recommendation 61.</p>
<p>44 The ICCM and FBCA should each introduce into their respective technical training programmes provision requiring the trainee technician and his mentor to attend and undertake, in the course of the training period and at a crematorium identified by the Institute or the Association as excelling in the conduct of baby and infant cremations, a full day of training in the conduct of baby and infant cremation on two separate occasions. The trainee should be required to satisfy the examiner of his knowledge and understanding of the methods and techniques of the conduct of baby and infant cremations that enhance the prospects of recovering ashes. (11.16)</p>	<p>This is for the ICCM/FBCA but Scottish Government supports this recommendation.</p>	<p>The National Committee proposed at Recommendation 57 will have oversight of this recommendation. Both organisations will be expected confirm when training programmes will be updated to the National Committee and this will be included with the National Committee Action Plan detailed below. The issue of training will be included in the Code of Practice at Recommendation 61.</p>
<p>45 The ICCM should revise their management training scheme to include an element dealing with baby and infant cremation and to make that a compulsory part of study for the certificate in cremation management. (11.18)</p>	<p>This is for the ICCM but the Scottish Government supports this recommendation.</p>	<p>The National Committee proposed at Recommendation 57 will have oversight of this recommendation. The ICCM will be expected confirm when training programmes will be updated to the National Committee and this will be included with the National Committee Action Plan detailed below.</p>

<p>46 The person with direct management responsibility for the operation of a crematorium should hold either a qualification in crematorium management or the FBCA certificate of competence to operate cremators or the ICCM intermediate certificate for crematorium technical operations. (11.19)</p>	<p>Accepted. This will be included in the Code of Practice in recommendation 61.</p>	<p>There may be value in making this a regulatory requirement and the Scottish Government will give this further consideration in preparing the Burials and Cremation Bill. Meantime Cremation Authorities will be expected to ensure those with direct management responsibility have appropriate qualifications.</p>
<p>47 The FBCA should develop and introduce a training programme for continuing professional development. (11.20)</p>	<p>This is for FBCA but the Scottish Government supports this recommendation.</p>	<p>The National Committee proposed at Recommendation 57 will have oversight of this recommendation. The FBCA will be expected confirm when training programmes will be updated to the National Committee and this will be included with the National Committee Action Plan detailed below.</p>
<p>48 Mothers of non-viable babies and families of stillborn babies and very young deceased babies considering cremation should be advised where there is a possibility that ashes will not be recovered and reminded of the availability of the option of burial. (11.24 and 11.34)</p>	<p>Accepted. This should be part of the Code of Practice proposed in Recommendation 61.</p>	<p>The National Committee proposed at Recommendation 57 will take forward the work to develop the new Code of Practice in recommendation 61</p>
<p>49 All providers of training programmes for Funeral Directors should review them in the light of any legislative changes affecting the cremation of non-viable and stillborn babies and associated administrative procedures. (11.26)</p>	<p>Accepted. This is primarily for Funeral Directors but Scottish Government supports this recommendation.</p>	<p>The National Committee proposed at Recommendation 57 will have oversight of both of these recommendation and representatives of Funeral Directors in Scotland be expected confirm progress to the National Committee.</p>
<p>50 All providers of training programmes for Funeral Directors should devise modules designed to give Funeral Directors an understanding of the cremation process, the effect it has and the prospects of recovering ashes in baby and infant cremations. (11.26)</p>	<p>Accepted. As above, this is primarily for Funeral Directors but the Scottish Government supports this recommendation.</p>	<p>These actions will be reflected in the National Committee Action Plan detailed below.</p>
<p>51 Each Health Board, as part of continuously improving the quality of the service, should identify staff who will have responsibility for communicating with families about arrangements for disposal and liaising with Funeral Directors and crematoria and, as part of their continuous professional development, arrange for their further education and training in the necessary skills, including developing their communication skills, improving their understanding of the roles and responsibilities of colleagues, and providing an appreciation of the capabilities of modern cremation equipment and contemporary cremation practice and the effect of cremation on babies and infants. (11.35)</p>	<p>Accepted. The Scottish Government will work with NHS Scotland and the relevant Royal Colleges to ensure appropriate training is available and undertaken.</p>	<p>The National Committee proposed at Recommendation 57 will have oversight of this recommendation and representatives of NHS Scotland will confirm when training arrangements are in place. This will be reflected in the National Committee Action Plan detailed below.</p> <p>This recommendation will also be addressed in the Code of Practice in recommendation 61.</p>

<p>52 Health Boards should support staff in initiating the formation of local multi-disciplinary working groups comprising all with a role in dealing with the fate of the baby from hospital to crematorium to exchange information, knowledge, understanding, practice and experience, as well as promoting joint training programmes, with the aim of ensuring that all involved are familiar with the facilities available and practices followed locally. (11.36)</p>	<p>Accepted. This is primarily for Health Boards but the Scottish Government supports such an approach and would expect all Health Boards and other organisations to establish local multi-disciplinary groups.</p>	<p>The formation of such groups will be overseen by the National Committee proposed at Recommendation 57, but work towards the establishment of such groups can progress immediately. The operation of such groups should be seen as good practice and will be included in the Code of Practice proposed at Recommendation 61.</p>
<p>53 Health Boards, organisations providing advice, support and guidance to grieving families such as SANDS UK and the Miscarriage Association, Funeral Directors, the ICCM and FBCA, and any other body providing advice, support and guidance to grieving parents and families should review all publications dealing with cremation that are likely to be distributed to, or seen by, the public to ensure that they include accurate information that is expressed clearly and consistently, including in particular information about the prospects of recovering ashes, and that they contain a reminder of the availability of the option of burial. (11.37)</p>	<p>Accepted. This is for the relevant organisations to take forward but the Scottish Government supports the recommendation. It is important that consistent and accurate information is provided to bereaved families.</p>	<p>Organisations should begin updating materials as a priority in light of the findings of the Infant Cremation Commission, and the National Committee proposed at Recommendation 57 will oversee this. Regular review of guidance and publications will be included in the Code of Practice proposed at Recommendation 61.</p>
<p>54 The Scottish Government should establish a working group comprising a representative from each Health Board and chaired by a Scottish Government official to review all guidance documents and information leaflets in use over all Health Boards and private healthcare providers, including those compiled by, or in conjunction with, bodies such as SANDS and the Miscarriage Association, relating to management of pregnancy loss and infant bereavement and arranging disposal, with a view to ensuring consistency in that guidance and information, and endeavouring to reduce the proliferation of different documents in use. (11.38)</p>	<p>Accepted.</p>	<p>This work will be taken forward by the National Committee proposed at Recommendation 57, either within the Committee itself or via a subgroup established for this purpose. This will be reflected in the National Committee Action Plan detailed below.</p>
<p>55 Where invited to do so by affected parents, local councils / authorities should facilitate discussion for plans for local memorials. (12.7)</p>	<p>This is for Local Authorities but Scottish Government supports the recommendation and expects all local authorities to support requests for local memorials.</p>	<p>No specific timescale – this is a matter for local authorities. But where there is an appetite for a local memorial this should be prioritised.</p>

<p>56 The Scottish Government should form a working group, to include representatives of affected parents and bereavement support groups to consider whether there should be a national memorial dedicated to the babies whose ashes were mishandled or mismanaged and, if so, the form that it should take. (12.8)</p>	<p>Accepted. This group will be established as a sub-group of the National Committee proposed at Recommendation 57. The Scottish Government will support the development and maintenance of any national memorial.</p>	<p>This work will be included within the National Committee Action Plan as detailed below. The Government will establish such a group before the end of 2014.</p>
<p>57 The Scottish Government should establish a National Committee with responsibility for baby and infant cremations. (13.4)</p>	<p>Accepted.</p>	
<p>58 The National Committee should be chaired by a senior Scottish Government official. Its membership should be drawn from authorities, organisations, professions and other bodies with a role in baby and infant cremation, and should include representation from groups or organisations representing affected parents and providing bereavement support. (13.5)</p>	<p>Accepted.</p>	<p>The National Committee will be established and will hold its first meeting no later than autumn 2014.</p>
<p>59 The National Committee should have power to establish working groups of its membership, with co-opted members where appropriate, to consider specific recommendations from this report. Each of the working groups recommended above would be sub-groups of the National Committee. It would be open to the National Committee to assign to one working groups the tasks assigned in more than one recommendation, for example recommendations relating to technical matters and cremation technology could be dealt with by a professional sub-group reporting back to the full Committee. The National Committee should also have the power to establish working groups to consider other issues identified by the National Committee and to report back to the National Committee. (13.6)</p>	<p>Accepted. Responses elsewhere in this table identify where particular recommendations can be taken forward via specific subgroups.</p>	<p>The National Committee will be asked to produce an Action Plan to set out how it will take forward the various recommendations made by the Infant Cremation Commission. That report will provide timescales for all actions and for reporting to Ministers.</p>
<p>60 The National Committee should report to Scottish Ministers annually on progress against the recommendations made by this Commission. That annual report should be published on the Scottish Government website. (13.7)</p>	<p>Accepted. In producing its Action Plan the National Committee will identify when its first report will be provided to Ministers</p>	<p>First report expected to be no later than 12 months from the first meeting of the National Committee.</p>

<p>61 The National Committee should, as a priority, develop a national Code of Practice for baby and infant cremation. Such a Code, which should be informed by the recommendations of this Commission, should set down the minimum requirements for organisations to adhere to when supporting bereaved parents and families through the baby and infant cremation process, and seek to identify best practice to be followed by all bodies involved in baby and infant cremation. The Code of Practice should include general principles and guidance as well as specific technical and operational guidance for Cremation Authorities, Health Boards and Funeral Directors, with a view to achieving consistently high standards of practice among all with a role in baby and infant cremation. (13.8)</p>	<p>Accepted. An overarching Code of Practice for all organisations involved in infant and baby cremation will be a welcome development. The Code of Practice should be the first priority for the National Committee.</p> <p>The Code of Practice can also take account of issues of training, good practice and Recommendation 29 relating to a code of practice for shared cremations.</p>	<p>The National Committee will identify timescales for the development of a Code of Practice within its Action Plan.</p>
<p>62 The Code of Practice should be a live document that is not only responsive to developments, but also instrumental in promoting improvements, in practice, technology, policy and legislation. The National Committee should therefore continue to monitor developments in all aspects of activity related to baby and infant cremation and review the Code annually to ensure that it reflects contemporary standards and best practice. (13.9)</p>	<p>Accepted.</p>	<p>The National Committee will review the Code of Practice on an annual basis.</p>
<p>63 Scottish Ministers should appoint an independent Inspector to monitor working practices and standards at crematoria, provide feedback to Cremation Authorities on how they are performing and to report to the Scottish Ministers as required. The independent Inspector should have authority to investigate complaints from the public about working practices and standards at crematoria, to adjudicate upon these complaints and report findings to the Scottish Ministers. The role of the Inspector should be extended to the funeral industry in respect of which there is no current provision for inspection. (13.10 and 13.11)</p>	<p>Accepted. The Scottish Government welcomes the suggestion of independent Inspector for crematoria and recognises that this function could extend beyond those issues relating only to infant cremation. Some inspection powers already exist within the 1935 Cremation Regulations and consideration will be given to whether or not these are sufficient to enable an Inspector to be appointed during 2014.</p>	<p>If an Inspector of crematoria can be appointed during 2014 under existing powers this will be done. But the Burials and Cremations Bill, will set out provisions to put an inspector of crematoria and the funeral industry on a firm footing. We will publish a consultation on this Bill by the end of 2014.</p> <p>No powers exist for an Inspector of the funeral industry and that will require primary legislation.</p>
<p>64 The Scottish Ministers should keep the cremation and funeral industries under review and should consider whether further regulation of either is required. (13.13)</p>	<p>Accepted. The Scottish Government will consider further the benefits of additional regulation of the cremation and funeral industries, and may consult on this ahead of the Burials and Cremation Bill.</p>	<p>This Recommendation will be kept under review by the Scottish Government.</p>



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