

## ABERDEEN CITY COUNCIL

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COMMITTEE	Communities, Housing & Infrastructure
DATE	18 March 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Infant Cremation Commission Report and Recommendations
REPORT NUMBER:	CHI/14/079
CHECKLIST RECEIVED	Yes

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### 1. PURPOSE OF REPORT

This report provides an update of the actions carried out by Aberdeen City Council following Lord Bonomy's Infant Cremation Commission (ICC) Report and Recommendations published on 17 June 2014. The report also seeks approval of a Policy Statement relating to the Cremation of Babies and Infants for Aberdeen City Council which is one of the recommendations in the ICC report.

### 2. RECOMMENDATION(S)

That the Committee:

- (i) Notes the contents of the report.
- (ii) Approves the Policy Statement relating to the Cremation of Babies and Infants (see Appendix 3)
- (iii) Approves the commencement of discussions between Aberdeen City Council and parents affected by the cremation of babies at Aberdeen Crematorium with regard to local memorials as per ICC recommendation No.55.

### 3. FINANCIAL IMPLICATIONS

Cremations of children, babies and non-viable foetuses are at present done at no charge to the Applicant for Cremation. The additional procedures now undertaken to ensure recovery of ashes will have an additional resource

implication. All changes undertaken to date have been carried out within the existing revenue budget. At this stage the full financial impact on the council's budgets is unknown.

#### 4. OTHER IMPLICATIONS

The Service is currently reviewing all procedures and updating paperwork, processes and software applications to ensure compliance with best practice and the ICC recommendations.

#### 5. BACKGROUND/MAIN ISSUES

On 16 April 2013 the minister for Public Health, Michael Matheson, announced in Parliament the creation of an independent Commission, chaired by the Rt Hon Lord Bonomy, to examine the policies, practices and legislation related to the cremation of infants in Scotland.

Lord Bonomy's Infant Cremation Commission Report was published by the Scottish Government on 17 June 2014 and provided national recommendations for future improvements. The Report contains 64 recommendations, including a number for Scottish Government as well as those directly involved in the cremation of babies and infants, primarily the NHS, Funeral Directors and Cremation Authorities.

Of these 64 recommendations, 36 are not for Aberdeen City Council to specifically action. Of the remaining 28 where Aberdeen City Council have direct responsibility for; 14 have been completed; 9 are awaiting statutory forms, legislation or further guidance from the ICC's working parties; and 5 are being worked on at present by ACC officers.

##### Background

Lord Bonomy visited Aberdeen Crematorium on 15 November 2013 and recommended that officers visit Seafeld Crematorium in Edinburgh which had a high success rate in recovering infant ashes. Officers visited Seafeld Crematorium on 21 November 2013 and were shown their processes which included the use of a metal tray, removal of the tray from the insertion end (instead of the ashes recovery end as in double ended cremators) and positioning techniques developed to aid recovery.

On 25 November 2013 Aberdeen Crematorium implemented these new processes for still born, small infants and non-viable foetuses in a wooden coffin as per Seafeld Crematorium's procedures. NHS Grampian were informed that this new process would be used for non-viable foetuses/pregnancy losses (up to and including 23 weeks and 6 days gestation) if placed in a wooden coffin and that parents require to be informed that this new procedure can be chosen which may recover cremated remains. To date, these new processes have recovered ashes from all these

cremations. The health and safety risks involved in handling an extremely hot tray have been addressed and the processes and risk assessments approved by ACC's Health and Safety section. We will continue to assess these procedures to ensure the safest possible process is used.

The use of these techniques has now been extended to include all non-viable fetuses received from NHS Grampian. There is no requirement now for a wooden coffin to be provided as our improving processes and techniques can recover ashes from any type of coffin. Parents of non-viable babies have a choice of either individual or shared cremations as well as the alternative of burial. Where parents have chosen shared cremations, the ICC has advised that if cremated remains are recovered they should be scattered in the relevant Crematorium's Garden of Remembrance and parents advised accordingly.

In May 2014, the ICC also advised ACC to visit other Crematoriums in order to review procedures and share best practice. On 13 May 2014 ACC officers visited Inverness Crematorium and on 20 May 2014 officers visited Craigton Crematorium and South Lanarkshire Crematorium. Aberdeen Crematorium's cremation procedures met all best practice shown on these visits.

### **Main Issues**

The Service is currently undertaking a review which covers all procedures, paperwork, processes and software applications to ensure compliance with the ICC recommendations.

A summary action plan of the 14 outstanding ICC recommendations that Aberdeen City Council have responsibility to address and implement are shown in Appendix 1.

Appendix 2 provides a table of all 64 ICC recommendations along with the Scottish Governments response, timescale and Aberdeen City Council's response.

### **Policy Statement Relating to the Cremation of Babies and Infants**

The ICC Report under Recommendation No.11 states "that each Cremation Authority should publish a policy statement" relating to the cremation of babies and infants. The report also recommended that a working group be set up that included the two main cremation associations ie the Institute of Cemetery and Crematorium Management (ICCM) and the Federation of Burial and Cremation Authorities (FBCA) to develop a model policy statement. This model policy statement has been drafted and sent to all Cremation Authorities on 19 November 2014 with blank sections for each Cremation Authority to finalise as required. Aberdeen City Council's Policy Statement Relating to the Cremation of Babies and Infants has been completed and is shown in Appendix 3. The Committee is asked to approve this Policy Statement.

### **Local Memorial**

ICC Recommendation No.55 states "Where invited to do so by affected parents, local councils / authorities should facilitate discussion for plans for

local memorials". Aberdeen City Council has received a request to commence discussions for a local memorial by a parent affected by the cremations of babies at Aberdeen Crematorium. It is recommended that Aberdeen City Council commence discussion with affected parents.

## 6. IMPACT

The report relates to the Single Outcome Agreement and the Council's policy statement, Aberdeen: The Smarter City.

Our Vision is for Aberdeen to be an ambitious, achieving, smart city. We will ensure all citizens are encouraged and supported appropriately to make their full contribution.

Public – This report is likely to be of interest to the public as it deals with crematorium issues that have been the focus of media coverage over the last 24 months.

The content of this report is not relevant to the Equality Act 2010 public sector general duty as completing the recommendations is considered to impact all.

## 7. MANAGEMENT OF RISK

Following through the recommendations set out in this report should ensure that any risk associated with the crematorium remains at an absolute minimal level and that there is an improved service provided to our customers.

## 8. BACKGROUND PAPERS

Report of the Infant Cremation Commission June 2014

<http://www.scotland.gov.uk>

## 9. REPORT AUTHOR DETAILS

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The following is a summary action plan of the 14 outstanding ICC Recommendations that ACC has responsibility to address and implement:-

<b>ICC Recommendation</b>	<b>ACC Action</b>	<b>Target Date</b>
<b>11 &amp; 12</b> Publish a Policy Statement and distribute	Approve Policy Statement and provide to Funeral Directors and NHS.	31 March 2015
<b>19, 22, 23, 32</b> Statutory Application Forms	Await statutory forms and legislation As legislation and statutory forms may take some time to implement, we have updated our current application forms as per ICC Recommendations where possible.	Await statutory forms and legislation
<b>30 &amp; 31</b> Guidance on sensitive disposal is to be issued	Await Guidance	Awaiting guidance
<b>33</b> Medical certificate for all non-viable babies	Await legislation. Already procedure for single at ACC but not for shared cremations.	Awaiting legislation
<b>34</b> Contractual arrangements with NHS	An agreement has been drafted between NHS and ACC with regard to cremations. The agreement describes each organisation's responsibilities and will now be finalised and implemented taking into consideration all ICC recommendations.	31 March 2015
<b>35</b> Additional entries required to Cremation Register from future legislation	ACC has implemented but awaits legislation to finalise	Awaiting legislation
<b>41</b> Notice issued confirming the disposal of cremated remains	Awaiting clarification from legislation. ACC has added a request notice to current application for cremation forms for non-viable babies.	Awaiting legislation
<b>53</b> Review all publications to ensure accurate information	Application for Cremation Forms updated, information sheets on infant cremations available, policy statement to be approved, web pages to be reviewed and updated.	31 March 2015
<b>55</b> Where invited to do so by affected parents, local councils should facilitate discussion for plans for local memorials	Commence discussions with affected parents on their wishes for an appropriate local memorial.	Awaiting approval

## Appendix 2

This following table shows each individual recommendation along with the Scottish Governments response, timescale and ACC's response.

Recommendation	Government Response	Timescale	ACC Response
<p><b>1</b> 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 ongoing contact with parents, particularly mothers, where that contact is necessary. <b>(11.34)</b></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>Complete. Accepted and principle adopted</p>
<p><b>2</b> 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. <b>(5.6)</b></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. 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>Not for ACC to action. But will support additional checking mechanisms</p>
<p><b>3</b> 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. <b>(7.21)</b></p>	<p>Accepted. Legislation will be amended to reflect this definition. 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 fetuses (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. 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. (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>Complete. Accepted and principle adopted.</p>

<p><b>4</b> 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. <b>(7.21)</b></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>Complete</p>
<p><b>5</b> 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. <b>(7.23)</b></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>Not for ACC to action.</p>
<p><b>6</b> 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. <b>(8.13)</b></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>Complete</p>
<p><b>7</b> 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. <b>(8.14)</b></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. Cremation Authorities will be expected to report at the first meeting of the National Committee on their progress towards implementation of this Recomm.</p>	<p>Complete</p>
<p><b>8</b> 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 Facultatieve 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</p>	<p>Recommendations 8, 9 and 10 are for ICCM and FBCA but Scottish Government supports the recommendation.</p> <p>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. The Scottish Government will work</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>Complete for single cremations. Cremation Practice Guidance provided on 19/11/14 and ACC following this guidance.</p>

<p>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, Facultatieve Technologies Ltd. <b>(8.36)</b></p>	<p>with affected parents to identify two lay members for this group.</p>		
<p><b>9</b> Following completion of its work in <b>8</b> 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. <b>(8.36 and 8.39)</b></p>	<p>As above.</p>	<p>As above.</p>	<p>Not for ACC to action.</p>
<p><b>10</b> 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. <b>(8.40)</b></p>	<p>As above.</p>	<p>As above.</p>	<p>Not for ACC to action.</p>
<p><b>11</b> 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. <b>(8.44)</b></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.  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><b>ACC to Action.</b> Policy Statement at Committee on 18/3/15 for approval</p>

<p><b>12</b> Funeral directors and healthcare staff should include appropriate extracts from the Cremation Authority policy in information and guidance material given to families. <b>(8.45)</b></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. 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><b>ACC to Action.</b> ACC will ensure the Policy Statement is passed to NHS &amp; Funeral Directors once approved.</p>
<p><b>13</b> The cremation of non-viable babies should be the subject of legislative regulation. <b>(9.4)</b></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>Not for ACC to action. ACC will review subject to legislative changes</p>
<p><b>14</b> 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. <b>(9.7, 9.23, 9.40, 9.42 and 9.44)</b></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>Not for ACC to action. – await statutory forms. ACC have added as many of the recommendations as possible to our current Application Forms.</p>
<p><b>15</b> 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. <b>(9.10, 9.24, 9.40, 9.44)</b></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>Complete, added to our current Application for Cremation Forms although statutory form to be produced.</p>
<p><b>16</b> 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). <b>(9.18, 9.24 and 9.44)</b></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>Not for ACC to action. ACC will adopt forms when they become available</p>

<p><b>17</b> 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. <b>(9.14 and 9.16)</b></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>Not for ACC to action. ACC will adopt forms when they become available</p>
<p><b>18</b> 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. <b>(9.10, 9.24 and 9.44)</b></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>Complete, added to our current Application for Cremation Forms although statutory form to be produced.</p>
<p><b>19</b> 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. <b>(9.11)</b></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><b>ACC to Action.</b> Awaiting statutory forms</p>
<p><b>20</b> 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. <b>(9.12)</b></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>Complete, ACC have implemented this recommendation although this will be a specific legislative provision.</p>
<p><b>21</b> 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. <b>(9.13)</b></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>Complete, although this is also to be included in legislation</p>

<p><b>22</b> 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. <b>(9.9, 9.10, 9.21 and 9.44)</b></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><b>ACC to Action.</b> Awaiting statutory forms and legislation</p>
<p><b>23</b> 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. <b>(9.19, 9.20 and 9.42)</b></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><b>ACC to Action.</b> Awaiting legislation</p>
<p><b>24</b> 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. <b>(9.20)</b></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>Complete, Procedure in place and further legislation will be implemented.</p>
<p><b>25</b> Legislative provisions similar to those in Regulation 20 of the 2008 Regulations (England and Wales) should be introduced requiring appropriate certification of a stillbirth. <b>(9.22)</b></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>Not for ACC to action. ACC will implement the legislation</p>
<p><b>26</b> 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. <b>(9.25)</b></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>Not for ACC to action. ACC will implement the legislation.</p>

<p><b>27</b> The provisions of Regulations 13 and 15A of the 1935 Regulations should be amended to apply to stillborn children. <b>(9.26)</b></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>Not for ACC to action. ACC will implement the legislation.</p>
<p><b>28</b> 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. <b>(9.32)</b></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>Not for ACC to action. ACC will assist NHS when required</p>
<p><b>29</b> 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. <b>(9.35)</b></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>Not for ACC to action. ACC to consider involvement on this group</p>
<p><b>30</b> 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. <b>(9.36 to 9.39)</b></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><b>ACC to action</b> Awaiting Guidance</p>
<p><b>31</b> 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. <b>(9.40 and 9.41)</b></p>	<p>As above.</p>	<p>As above.</p>	<p><b>ACC to action</b> Awaiting Guidance</p>
<p><b>32</b> 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. <b>(9.40)</b></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><b>ACC to action</b> Awaiting statutory forms</p>

<p><b>33</b> 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. <b>(9.42)</b></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><b>ACC to Action</b> Await legislation. Already procedure for single at ACC but not for shared cremations.</p>
<p><b>34</b> 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. <b>(9.48)</b></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><b>ACC to Action</b> In progress - preparing NHS contractual arrangements at present</p>
<p><b>35</b> 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. <b>(10.4 and 10.5)</b></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><b>ACC to Action</b> ACC has implemented but awaits legislation to finalise</p>
<p><b>36</b> 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. <b>(10.6)</b></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>Not for ACC to action ACC to make provision subject to legislation</p>
<p><b>37</b> 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. <b>(10.8)</b></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>Not for ACC to action</p>

<p><b>38</b> Since responsibility for preserving important records relating to hospital arranged cremations lies with the hospital or other healthcare provider, a working group comprising Health Board representatives and a representative from the private healthcare sector, chaired by a Scottish Government official, should be appointed by the Scottish Government to review hospital record-keeping practice in all hospitals and other healthcare providers in relation to documents relevant to baby and infant cremations with a view to identifying best practice to be applied across Scotland. <b>(10.9)</b></p>	<p>Not shown in Scottish Government's Summary of Recommendations?</p>	<p>Not shown in Scottish Government's Summary of Recommendations?</p>	<p>Not for ACC to action</p>
<p><b>39</b> 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. <b>(10.10 and 10.11)</b></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>Complete. Arrangements in place to keep for 50 years. Currently 17 years Application Forms in store. Future data storage systems to be investigated</p>
<p><b>40</b> 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. <b>(10.12)</b></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>Not for ACC to action</p>

<p><b>41</b> 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. <b>(10.13)</b></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><b>ACC to Action</b> Awaiting clarification from legislation. ACC has added a request notice to current application for cremation forms for non-viable babies.</p>
<p><b>42</b> The ICCM and FBCA should review their respective technical training programmes in accordance with the requirements identified in Section 11. <b>(11.12 to 11.16)</b></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>Not for ACC to action</p>
<p><b>43</b> 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. <b>(11.14)</b></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>Not for ACC to action ACC to review procedures subject to future guidance</p>
<p><b>44</b> 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. <b>(11.16)</b></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>Not for ACC to action. To be incorporated into ACC in-house training. Review refresher training for staff</p>

<p><b>45</b> 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. <b>(11.18)</b></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>Not for ACC to action. Need to check standards and qualifications from both FBCA and ICCM</p>
<p><b>46</b> 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. <b>(11.19)</b></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>Complete - Senior Staff hold qualifications and future staff will be trained and fully qualified.</p>
<p><b>47</b> The FBCA should develop and introduce a training programme for continuing professional development. <b>(11.20)</b></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>Not for ACC to action To review training of staff once FBCA have developed programme</p>
<p><b>48</b> 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. <b>(11.24 and 11.34)</b></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>Complete. Advice provided in the updated application for cremation forms and Funeral Directors have been informed that they require to advise clients</p>
<p><b>49</b> 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. <b>(11.26)</b></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>Not for ACC to action</p>

<p><b>50</b> 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. <b>(11.26)</b></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>Not for ACC to action Although we have shown Funeral Directors our new processes to dispel any perceived continuing bad practice. Suggest annual refresher.</p>
<p><b>51</b> 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. <b>(11.35)</b></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>Not for ACC to action specifically although NHS Grampian representative has been shown our new processes</p>
<p><b>52</b> 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. <b>(11.36)</b></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 multidisciplinary 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>Not for ACC to action specifically although ACC will support and assist NHS with local practices</p>

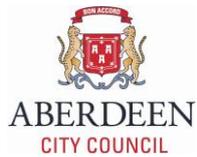
<p><b>53</b> Health Boards, organisations providing advice, support and guidance to grieving families such as SANDS UK and the Miscarriage Association, Funeral Directors, the ICCM and FBCA, and any other body providing advice, support and guidance to grieving parents and families should review all publications 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. <b>(11.37)</b></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><b>ACC to Action</b> Application for Cremation Forms updated, information sheets on infant cremations available, policy statement to be approved, web pages to be reviewed and updated as required</p>
<p><b>54</b> 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. <b>(11.38)</b></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>Not for ACC to action</p>
<p><b>55</b> Where invited to do so by affected parents, local councils / authorities should facilitate discussion for plans for local memorials. <b>(12.7)</b></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><b>ACC to Action</b> Commence discussions with affected parents on their wishes for an appropriate local memorial.</p>

<p><b>56</b> 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. <b>(12.8)</b></p>	<p>Accepted. This group will be established as a subgroup 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>Not for ACC to action</p>
<p><b>57</b> The Scottish Government should establish a National Committee with responsibility for baby and infant cremations. <b>(13.4)</b></p>	<p>Accepted.</p>	<p>The National Committee will be established and will hold its first meeting no later than autumn 2014. 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>Not for ACC to action</p>
<p><b>58</b> 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. <b>(13.5)</b></p>	<p>Accepted.</p>	<p>The National Committee will be established and will hold its first meeting no later than autumn 2014. 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. First report expected to be no later than 12 months from the first meeting of the National Committee.</p>	<p>Not for ACC to action</p>

<p><b>59</b> 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 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>Not for ACC to action</p>
<p><b>60</b> 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>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>Not for ACC to action</p>
<p><b>61</b> 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>Not for ACC to action ACC to implement agreed Code of Practice</p>

<p><b>62</b> 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. <b>(13.9)</b></p>	<p>Accepted.</p>	<p>The National Committee will review the Code of Practice on an annual basis.</p>	<p>Not for ACC to action ACC to promote developments and actively share and spread best practice.</p>
<p><b>63</b> 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. <b>(13.10 and 13.11)</b></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>Not for ACC to action</p>
<p><b>64</b> The Scottish Ministers should keep the cremation and funeral industries under review and should consider whether further regulation of either is required. <b>(13.13)</b></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>	<p>Not for ACC to action To review subject to further regulation</p>

## Appendix 3



### **Policy Statement Relating to the Cremation of Babies and Infants.**

Aberdeen City Council, as the Cremation Authority for Aberdeen Crematorium wishes it to be known that it considers the interests of the bereaved family and the baby or infant left in our care to be the central focus of our attention. This will be reflected in all of our administrative and operational practices and procedures.

#### Definition of 'ashes'

Whilst our employees might use the terms 'ashes' and 'cremated remains' we deem these to be one and the same and defined as '*all that is left in the cremator at the end of the cremation process and following the removal of any metal*'. There might be a small number of cases where there are no ashes remaining at the end of the cremation process. If this is the case our staff will contact the Applicant for Cremation and advise them of this.

#### Minimising the loss of ashes during cremation

We have developed an approach to the cremation of babies and infants that is designed to minimise the loss of ashes. This includes the use of a cremation tray designed to retain ashes where practicable, and the maintenance of operational conditions that will minimise the loss of any ashes during the process of cremation.

Our staff will be vigilant during the cremation process and adjust operational conditions when necessary in order to protect the ashes of babies and infants and minimise any loss. We will adhere to our identification procedure that guarantees that the ashes resulting from individual cremations returned to parents are those of their babies.

#### Shared cremations

Where a shared cremation has been chosen by parents, and hence ashes are not individually identifiable, we will take the same care throughout the cremation process and will scatter/bury the ashes within the garden of remembrance. The location will be recorded for future reference.

#### Disposal of Ashes

In relation to the disposal of ashes in the case of a private cremation, this Cremation Authority will only act upon the written instruction of the parent who is acting as the Applicant for Cremation.

In the case of shared cremations we will only act on the written instruction of the designated person at the relevant hospital, who is acting as the Applicant.

### Record-Keeping

All cremations of babies and infants will be registered at the crematorium, with all forms and documents being retained for a minimum of 50 years as per the guidance provided in the ICC report of 17 June 2014.

If ashes are scattered or buried within the grounds of the crematorium the final resting place will be registered along with any details of any person authorised by the applicant to remove/collect the ashes.

The policy of this Cremation Authority is designed to provide an audit trail from the receipt of initial funeral instructions to the final disposal of ashes, either by collection from the crematorium or by scattering or burial within the confines of the Gardens of Remembrance.

### Questions or Queries

If you have any questions or queries about the cremation of your baby, you can speak to the Crematorium Manager on Tel: 01224 740722

**Aberdeen City Council**  
**Aberdeen Crematorium**

Date: 18 March 2015