

COMMITTEE : Housing & Environment DATE: **13th April 2010**

CORPORATE DIRECTOR: Pete Leonard

TITLE OF REPORT: Consultation on Death Certification, Burial and Cremation

REPORT NUMBER : H&E/10/045

1. PURPOSE OF REPORT

The purpose of this report is to provide draft responses to the Scottish Government consultation on Death Certification, Burial and Cremation, for the consideration and approval of Members of the Committee.

2. RECOMMENDATION(S)

That the Committee:

- (i) approves the draft responses to the Scottish Government consultation on Death Certification, Burial and Cremation ; and
- (ii) instructs the Director of Housing and Environment Services to provide the responses to the Scottish government on behalf of the Council, by the due date of 21st April 2010.

3. FINANCIAL IMPLICATIONS

There are no financial implications as regards the report itself.

4. SERVICE & COMMUNITY IMPACT

This report is in line with the Single Outcome Agreement and the Community Plan's national Outcomes 10, 12, 14 and 15, namely:

National Outcome 10. We live in well-designed, sustainable places where we are able to access the amenities and services we need.

National Outcome 12. We value and enjoy our built and natural environment and protect it and enhance it for future generations

National Outcome 14. We reduce the local and global environmental impact of our consumption and production.

National Outcome 15. Our public services are high quality, continually improving, efficient and responsive to local people's needs.

It also links generally to the Council's policy statement, Vibrant, Dynamic and Forward Looking, in terms of its declared intention to be an efficient Council.

5. OTHER IMPLICATIONS

There are no other implications as regards the report itself.

6. REPORT

6.1 Background

In 2005, the then Health Minister set up a working group to review burial and cremation legislation in Scotland. The terms of reference were to review the Cremation Acts of 1902 and 1952 (and the Cremation (Scotland) Regulations 1935, as amended) and the Burial grounds (Scotland) Act 1855 as amended, and to make recommendations on how the legislation could be changed in order to better serve the needs of the people of Scotland. The terms of the review were to also, where appropriate, recognise the established role of the Procurator Fiscal Service and take account of policy developments in England (specifically the Shipman Inquiry's work on death certification) and international good practice.

The group presented their final report and recommendations to the Scottish Government in October 2007 and the report was published in March 2008.

The Scottish Government has decided to invite responses to a consultation paper resulting from its consideration of the 33 recommendations made in the above report. A copy of the consultation document (listed as background paper 3) is provided in the Members' Library.

6.2

Copies of the consultation paper and its 52 questions for consultees were circulated (the e-mail is attached as background paper 1 to this report) to the following Directorates in addition to Housing and Environment:

Corporate Governance (requesting feedback on the equalities, financial and legal issues raised in the consultation paper);

Enterprise, Planning and Infrastructure (requesting feedback on the planning issues raised by the consultation paper); and

Social Care and Well-Being (requesting feedback on the family issues raised in the consultation paper).

A copy of the consultation paper was also sent to the Bereavement Services Working Group, which comprises religious representatives, funeral directors, memorial masons and representatives of SANDS, the stillborn and neonatal death society.

6.3

Draft responses to the questions in the consultation paper are included as background paper 2 for the approval of Members.

7. REPORT AUTHOR DETAILS

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8. BACKGROUND PAPERS

- (i) **E-mail to other stakeholder services, dated 12th February 2010, requesting feedback on particular questions.**
- (ii) **Consultation Paper (provided in Members' Library)**
- (iii) **Questions and draft responses**