

Ministear airson Slàinte Phoblach is Slàinte
Bhoireannach
Jenni Minto BPA



Scottish Government
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Clare Haughey MSP
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12 February 2024

Dear Clare,

I am writing following my appearance on 23 January 2024 at the Committee to give evidence on the draft Funeral Director Code of Practice. Since my appearance, on 31 January 2024 Parliament moved the motion to approve the draft Code of Practice.

In response to a question raised by Tess White MSP during my appearance, I committed to writing to the Committee regarding the range of actions that Scottish Government has taken that support people in funeral poverty. The Scottish Government is mindful that funeral poverty is an important concern for many people, and that a funeral may be one of the biggest expenses people face. This issue sits under the remit of the Cabinet Secretary for Social Justice; therefore she has also been made aware of this letter and its contents.

In May 2019 the Scottish Government published [Funeral Costs: Guidance](#), under section 98 of the Burial and Cremation (Scotland) Act 2016. Prior to publication, the guidance was laid before Parliament in May 2019 in accordance with the requirement of section 98(4) of the 2016 Act. The guidance sets out good practice for funeral directors and others in relation to transparency of pricing, helping clients understand costs, the provision of estimates and final bills, and making lower-cost funeral options available. The Scottish Government worked closely with local government and the funeral industry to develop the guidance, as well as

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issuing a formal consultation and speaking with a broad range of individuals and organisations across Scotland.

While it is distinct from the Funeral Costs Guidance, I am pleased to note that the draft Funeral Director Code of Practice which was considered by the Committee does highlight that no client should be pressured or exploited, and that a funeral director should always be mindful of the difficult circumstances the clients is likely to be experiencing.

We are committed to tackling funeral poverty. The Scottish Government replaced the DWP Funeral Expense Payment with the Funeral Support Payment in September 2019. This is a one-off payment for eligible low-income families to help towards the costs of a funeral. The benefit is intended to help alleviate the burden of debt people may face when paying for a funeral and help to reduce funeral poverty.

Since the Funeral Support Payment was launched, the Scottish Government has provided over £41 million of support to more than 22,000 bereaved people to help pay for funeral costs at a time when they need it most. The average award for 2023/24, up to 30 September 2023, is £1,949. From April 2024, subject to Parliamentary approval, Funeral Support Payment provision will be increased by 6.7%, in line with inflation.

We have substantially widened eligibility compared to the UK Government's Funeral Expense Payment. We also allow applicants to apply online, something the UK Government equivalent does not currently offer.

We engage regularly with stakeholders, such as the Funeral Poverty and Funeral Support Payment Reference Group, to advise on various areas relating to Funeral Support Payment and funeral poverty in Scotland. We are currently working to introduce further improvements to Funeral Support Payment that will ensure we can continue to support bereaved families. As part of this, we have engaged with a range of funeral industry stakeholders as well as those who support bereaved families and local authorities.

In 2018 the Scottish Government and COSLA jointly agreed to waive local authority burial and cremation fees for children under 18 years of age. This commitment was to ensure that parents experiencing extremely difficult circumstances after the death of a child do not face additional financial challenges, they are unlikely to have planned for. This agreement was extended from 1 April 2021 to include stillborn babies.

Additionally, in the very unfortunate situation where no one is able or willing to make funeral arrangements, the relevant local authority has a duty to make those arrangements. Under section 87 of the Burial and Cremation (Scotland) Act 2016, local authorities, when making the arrangements, so far as known to the authority, must have regard to any wishes the person expressed as to burial or cremation or whether the person was of a particular religion or belief. This important duty provides reassurance to the public that their wishes will be acted upon after they have died, regardless of their resources.

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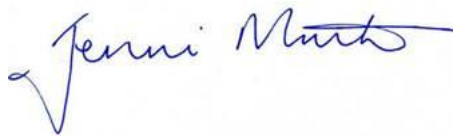


These are the only legal duties placed on local authorities with regards to local authority funerals. Thereafter, it is for each local authority to determine if they will provide other services, for example, a funeral service at the time of the burial or cremation.

As a result of our continuing commitment to working with local authorities to consider the different options they provide, in the case of a cremation arranged by the local authority, changes introduced by the Cremation (Scotland) Regulations 2019 place a requirement on the local authority to, where there are known relatives, ask the next of kin whether they wish to receive the ashes following cremation or if they wish the ashes to be scattered/interred in line with the authority's standard procedure. This new provision has ensured that ashes are made available to relatives no matter which local authority is undertaking the cremation. We will continue to work with local authorities to consider the funeral arrangements they provide as part of a local authority funeral.

Please contact my office if you have any questions or would like to receive any further information.

Yours sincerely,



Jenni Minto MSP

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