



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Health, Social Care and Sport Committee

**Tuesday 23 January 2024**

**Session 6**



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Pàrlamaid na h-Alba

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**HEALTH, SOCIAL CARE AND SPORT COMMITTEE**  
**2<sup>nd</sup> Meeting 2024, Session 6**

**CONVENER**

\*Clare Haughey (Rutherglen) (SNP)

**DEPUTY CONVENER**

\*Paul Sweeney (Glasgow) (Lab)

**COMMITTEE MEMBERS**

- \*Sandesh Gulhane (Glasgow) (Con)
- \*Emma Harper (South Scotland) (SNP)
- \*Gillian Mackay (Central Scotland) (Green)
- \*Ruth Maguire (Cunninghame South) (SNP)
- \*Ivan McKee (Glasgow Provan) (SNP)
- \*Carol Mochan (South Scotland) (Lab)
- \*David Torrance (Kirkcaldy) (SNP)
- \*Tess White (North East Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jenni Minto (Minister for Public Health and Women's Health)

**CLERK TO THE COMMITTEE**

Alex Bruce

**LOCATION**

The Sir Alexander Fleming Room (CR3)



# Scottish Parliament

## Health, Social Care and Sport Committee

Tuesday 23 January 2024

[The Convener opened the meeting at 09:05]

### Document Subject to Parliamentary Control

#### Draft Funeral Director Code of Practice (SG 2023/300)

**The Convener (Clare Haughey):** Good morning, and welcome to the second meeting in 2024 of the Health, Social Care and Sport Committee. I have received no apologies for today's meeting.

Our first agenda item is consideration of the draft Funeral Director Code of Practice, which is a document that is subject to parliamentary control. The purpose of the code is to set minimum standards for funeral director businesses in their care of the deceased, and related procedures and behaviours. The Delegated Powers and Law Reform Committee considered the document at its meeting on 9 January 2024 and made no recommendations in relation to it.

We will have an evidence session on the document with the Minister for Public Health and Women's Health, Jenni Minto, and her supporting Scottish Government officials. Once all our questions have been answered, we will proceed to a formal debate on the motion.

I welcome to the committee Jenni Minto; Elizabeth Sadler, deputy director of public health capabilities, Jo-anne Tinto, lawyer; and Alexandra Wright, burial and cremation team leader.

We will move straight to questions.

**Tess White (North East Scotland) (Con):** Good morning, minister and your team. My question is about costs and regulation. I understand about care, but cost is also part of care. In the press recently, it was highlighted that funeral costs are on an upward trajectory. There are eye-watering figures of more than £4,000 for funerals. Each funeral company can set its own fees. I hope that you will agree that £4,500 is a lot of money.

There are also what are known as paupers' funerals, which could be regulated. The costs of those can and do vary for each area; they can vary from £683—that is a figure from Edinburgh—

to more than £1,000. The data that I have managed to find was from 2015—it is not recent. It showed that there had been 549 paupers' funerals in Scotland, which cost the public purse half a million pounds. Can that be looked at? If it cannot be incorporated into the code, can you look at it?

**Jenni Minto (Minister for Public Health and Women's Health):** I have taken part in a discussion and a number of debates about poverty and death, so that is very much on my radar. In the discussion, I was very pleased to hear about the support that celebrants provide to people who may not be able to afford a funeral. That does not specifically relate to the code, but it is something that I am absolutely aware of when we look at things such as regulation and licensing.

It is important to point out that the Competition and Markets Authority did a piece of work in 2021 as a result of which funeral directors are now required to indicate online, or have available when they are talking to bereaved families, how much a funeral will cost. They are also required to provide information if costs change.

It is also important to note that the Scottish Government has a range of actions that support people in funeral poverty. Although that does not specifically sit within my remit, I am happy to give you that additional information in writing. However, that is something that I am aware of.

**The Convener:** I thank the minister for her answer. No other members have indicated that they wish to ask a question, so we will move to agenda item 2, which is the formal debate on the document on which we have just taken evidence.

I ask the minister to speak to and move motion S6M-11905.

**Jenni Minto:** Can I check whether you want me to read my statement or whether you want me simply to move the motion?

**The Convener:** Given that we have moved to the debate on the motion, I ask you to read your statement and move the motion, please.

**Jenni Minto:** Thank you for confirming that.

I am delighted to join the committee today to consider the Draft Funeral Director Code of Practice, which is a significant milestone in the regulation of the funeral sector in Scotland. The draft code has been developed under the Burial and Cremation (Scotland) Act 2016, which provides a modern and comprehensive legislative framework for burial and cremation in Scotland.

For many of us, the death of a loved one will be one of the most difficult experiences that we will face. Bereavement impacts each of us in many ways. Funerals can fulfil a vital role in the grieving process by providing an opportunity to

commemorate and celebrate life as well as to acknowledge the reality of loss.

Funerals are organised at a time of extreme emotional vulnerability. If things go wrong with the arrangements, there can be lasting impacts. Funeral directors are entrusted with guiding individuals and families through this challenging time. They directly prepare the deceased for viewing, burial or cremation, so they have a trusted role that has profound significance across cultures and faith systems. It is therefore crucial that, when a person dies, funeral directors can be relied on to deliver a highly compassionate, conscientious and professional service, which must maintain the dignity of the deceased and be respectful and sensitive to the bereaved.

The draft code introduces minimum standards of care for the deceased and aims to establish and promote a common understanding of good practice. It will also be key to underpinning the statutory inspection of funeral directors in Scotland. It aims to safeguard against malpractice and to promote continual improvement in the sector by contributing to greater public trust and confidence in the services that funeral directors provide.

Specifically, the draft code covers engagement of the funeral director and transfer of the deceased; care of the deceased and the premises used by the funeral director; planning the funeral service according to the wishes of the deceased and the bereaved; delivery of the funeral; dealing with complaints; and business continuity and management of risk.

The draft code has been developed in close collaboration with the funeral industry and other key stakeholders. Their experience and expertise have been drawn on to ensure that the intended outcomes of the code are proportionate, pragmatic and justified.

The code has been available in draft form on the Scottish Government's website since 2019 and has been extensively consulted on. In addition to a full public consultation, focused engagement sessions took place with small, independent and rural funeral directors. Respondents were generally supportive of the draft code and its intentions. The feedback that we gathered has been instrumental in refining the draft code. Scotland's two main funeral trade associations are clear in their support of the draft code, which underscores the collaborative spirit and shared commitment to our common goals.

Research has shown that the vast majority of people incorrectly assume that minimum standards exist and that funeral directors are already subject to regulation. Worldwide, in countries including Canada, Australia, France and

Spain, as well as in many states in the USA, funeral directors are regulated, and, in many cases, they require both a personal licence and a business licence to operate.

In the United Kingdom, some headway is being made in the consumer protection space by the Competition and Markets Authority and through the regulation of funeral prepayment plans by the Financial Conduct Authority. However, standards lag behind in relation to the care of the deceased that occurs in private areas of funeral director businesses. Although many funeral director businesses already operate to a high standard, some departure from good practice has been identified.

The provisions of the 2016 act were largely based on recommendations that were made by the infant cremation commission, which was chaired by Lord Bonomy. The commission was convened in response to historical poor practice at a number of crematoriums across Scotland, details of which emerged in 2012.

In addition, the national cremation investigation by Dame Elish Angiolini in 2016 found that overall regulation of the funeral profession required improvement. Her final report recommended that the Scottish Government should exercise its powers under the Burial and Cremation (Scotland) Act 2016 to licence funeral directors and establish a statutory regime of regulation and inspection.

09:15

More recently, an assessment of the industry has been strengthened by voluntary inspections undertaken by inspectors of burial, cremation and funeral directors and their investigations of complaints. The current lack of statutory regulation within the funeral sector poses a high level of risk. A minority of professionals can pose a threat because of poor practice, ill health or deliberate malevolence.

I believe that the implementation of a code is a vital step to safeguard the dignity and safety of the deceased. In turn, the code should go a long way towards giving the public and bereaved families greater confidence in the funeral sector. The draft code is the first significant step in the implementation of statutory regulation of funeral directors in Scotland. The CMA has recommended that England, Wales and Northern Ireland establish this type of statutory oversight in their own funeral sectors, and I am proud that Scotland is leading the way on it in the UK.

The Draft Funeral Director Code of Practice seeks to establish a baseline set of professional standards and quality assurance for funeral directors in Scotland. It is not intended to be a burden on businesses. The Scottish Government

believes that the standards set out in the draft code will not only protect the deceased and bring confidence to the public and the bereaved, they will also benefit the funeral profession by contributing to the overall reputation of the industry and acknowledging the unique and challenging role that funeral directors play.

I hope that committee members agree that the draft code brings about positive changes to an important industry. With Parliament's support, I look forward to introducing the draft code in its final form to the industry. If it is approved by Parliament, funeral directors will be given a 12-month grace period to become fully compliant with the code's standards before it is formally issued by the Scottish Government and comes into force. I therefore move the motion and propose that the committee recommends that the draft of the funeral director code of practice be approved. I look forward to answering any further questions that the committee might have.

*Motion moved,*

That the Health, Social Care and Sport Committee recommends that the Draft Funeral Director Code of Practice (SG/2023/300) be approved.

**The Convener:** I remind members that they should not put questions to the minister during the formal debate and that officials may not speak in the debate.

I have had no indication that any member wishes to make a further contribution. Minister, do you wish to sum up?

**Jenni Minto:** I am content. My opening statement covered what the code is intended to do, and I thank the committee for its consideration.

*Motion agreed to.*

**The Convener:** That concludes consideration of the document.

Our meeting next week will be held fully in private to continue consideration of a draft stage 1 report on the National Care Service (Scotland) Bill. At our meeting on 6 February, we will take evidence from stakeholders as part of our post-legislative scrutiny of the Alcohol (Minimum Pricing) (Scotland) Act 2012.

09:18

*Meeting continued in private until 11:39.*





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