



# National Association of Funeral Directors

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4<sup>th</sup> December 2015

Dear Committee,

## **Burial and Cremation (Scotland) Bill Written Evidence**

I would like to thank you for the opportunity for the National Association of Funeral Directors (NAFD) to provide written evidence.

Established in 1905, the NAFD represents the interests of the entire spectrum of funeral directing businesses – including independent businesses, the Co-operative and major funeral groups – who conduct in excess of 80% of UK funerals every year.

Independent and inclusive, the NAFD is the largest trade association for the funeral sector with 3,800 funeral homes represented as well as hundreds of suppliers to the sector and international funeral firms.

The Association ensures that its members set the highest standards of customer care in the industry through a robust Code of Practice, Code of Professional Standards and independent arbitration service.

The NAFD Code of Practice sets out the high standard of service that bereaved families may expect in their dealings with a funeral firm member of the National Association of Funeral Directors, including key requirements in respect of price information, estimates, final accounts and marketing.

This ensures that bereaved families can look for the NAFD logo as a symbol of quality and standards when they are choosing a funeral director. Funeral firm members of the Association are bound by this robust Code of Practice, which is strictly monitored by a team of Standards and Quality Managers to ensure compliance.

The Funeral Arbitration Scheme is an independent conciliation and arbitration scheme designed to resolve complaints from clients relating to NAFD member funeral firms.

As a condition of membership of the National Association of Funeral Directors, funeral firms are not only bound by the terms of the Association's Code of Practice, but are also required to comply with a client's wishes to proceed to conciliation or arbitration under the Scheme and to abide by its rulings.

In answer to your specific questions:

**1. Whether proposals for the restoration of lairs are appropriate (sections 25-37)?**

The NAFD does not support the reuse of lairs but does support the reclaiming of unused lairs which would be far more cost effective and practical.

**2. Whether provisions on the reuse of headstones would be appropriate?**

The NAFD does not support the reuse of headstones for practical, legal and emotional reasons.

**3. The appropriateness and extent of the roles which should be undertaken by inspectors of burial, crematorium and funeral directors (primarily Part 4)?**

Given the way that Funeral Directors work in Scotland and the distances involved, it would require someone working full time to ensure that compliance is maintained. The NAFD already has a dedicated Standards and Quality Manager (SQM) visiting members in Scotland to carry out inspections at least every other year.

**4. The appropriateness and extent of the proposed regulation of funeral directors (primarily Part 5)?**

The NAFD had a representative on the Infant Cremation Commission and understands the desire to improve regulation and inspection following the events at Mortonhall crematorium.

It should be noted that the majority of funeral directors in Scotland are members of the NAFD who undertake around 80 per cent of all funerals. In order for a funeral home to become a member of the Association, an application process is required where the standards of the applicant are assessed. If they fail to meet our standards, the application is rejected. Moreover, every member is regularly scrutinised for standards and quality as a condition of membership.

The NAFD has a stringent Code of Practice in place that was recently updated and a Code of Professional Standards was introduced that all members must adhere to. This ensures that the highest level of customer service can be maintained. The Association also offers a suite of industry leading qualifications to enhance training and skills in the profession.

The vast majority of the funerals undertaken by NAFD member firms every year are completed to the satisfaction of the family concerned. On rare occasions, however, situations can arise where a client may feel unhappy regarding an aspect of the service provided and, in these situations, the NAFD is there to assist. The NAFD takes any complaint against a member firm seriously and always investigates. If the complaint is upheld then we have a variety of sanctions that we can enforce. However, we are keen, where possible, to seek resolution on both sides.

The Funeral Arbitration Scheme is an independent conciliation and arbitration scheme designed to resolve complaints from clients relating to NAFD member funeral firms. In conjunction with IDRS Ltd, a wholly-owned subsidiary of the Centre for Effective Dispute Resolution – an independent organisation offering conciliation and arbitration for the purpose of resolving disputes – the Funeral Arbitration Scheme provides a simple process in three easy-to-follow stages, offering conciliation and arbitration for the purpose of resolving disputes. As a condition of membership of the NAFD, funeral firms are not only bound by the terms of the Association’s Code of Practice, but are also required to comply with a client’s wishes to proceed to conciliation or arbitration under the Scheme and to abide by its rulings.

The NAFD has repeatedly called for all funeral homes to be required to be in membership of a trade association operating a strictly monitored Code of Practice and an independent client redress scheme. Such a requirement would ensure that all funeral homes meet a certain level of standard and provide protection to the bereaved. Going beyond this with government regulation of the sector is likely to see additional costs imposed on funeral directors that will ultimately lead to higher funeral costs for the bereaved.

If the Scottish Government does wish to proceed with statutory regulation, the NAFD would be ready to advise and assist. However, we would urge that the Government fully utilises the Association’s existing and well-established codes and standards rather than seeking to define and introduce a new, separate set of codes and standards that would run in parallel to the NAFD’s. Having two parallel codes would simply result in excess complexity, extra cost and unnecessary confusion for the funeral profession.

## **5. The extent to which the Bill will address funeral costs and what, if any, further measures the Bill could contain?**

The Social Fund Funeral Payment exists to help those on qualifying benefits receive a contribution from DWP to the cost of a funeral. The fees of funeral directors come out of a capped amount of £700, termed ‘other funeral expenses’, that has remained at this level since 2003. The Committee should note that local authority fees fall outside any cap and their fees are paid in full. The NAFD has been critical of the large fee increases imposed by local authorities in recent years and the increased burden that this places on support from government.

There is an opportunity for the Scottish Government to address the issue of the Social Fund Payment as a result of the Smith Commission. The social fund needs to be reformed to allow, at the very least, for inflationary pressures on funeral directors costs to be reflected and the process of applying for a payment to be simplified and expedited.

Local Authorities have a responsibility to provide a welfare funeral where there is no one willing to arrange the funeral or no-one with sufficient funds to arrange a funeral. By necessity this is provided in a prescribed form and leaves little room for personalisation. Equally Local Authorities are reluctant to be caught with the cost of providing funerals for those that are beyond the help of the social fund and make it very difficult to arrange for such a funeral. There is also concern for the social stigma of a welfare funeral known in the past as a “pauper’s” funeral.

As set out above, if formal regulation of the sector is introduced, there is a risk that the cost of a funeral will increase further exacerbating the issue of funeral poverty.

**6. The appropriateness of the removal of existing provisions restricting the proximity of new crematorium to housing?**

The environmental impact as a result of cremation is not what it was when existing guidance was originally issued. However, the needs of the bereaved should be central to any changes to the existing provisions to ensure that their experience when visiting a crematorium or memorial garden is not affected. Furthermore, there is no point in having a minimum distance if it is not going to be enforced.

Mike Owen  
Chief Executive  
National Association of Funeral Directors