

Transport and Environment Committee

10.00am, Thursday, 6 December 2018

Cremation Policy Update

Item number	7.10
Report number	
Executive/routine	
Wards	All
Council Commitments	None

Executive Summary

Recently there have been significant drivers for change in the Bereavement Services industry. These drivers include competitive markets, changes to the regulatory framework and consumer/political interest around funeral poverty.

This report outlines the provision of a shared cremation of pregnancy loss service and the creation of a small garden of remembrance in Mortonhall Cemetery for the interment (burial) of babies' ashes. The report also identifies a number of measures to improve family choice, ensure legal compliance of the service and introduce use of the Courtyard Entrance and a 'Simple Service' at Mortonhall Crematorium to assist with combating funeral poverty.

An update is provided on plans to unveil the baby elephant Mortonhall Crematorium babies' ashes memorial sculpture by Andy Scott in west Princes Street Gardens.

Cremation Policy Update

1. Recommendations

- 1.1 It is recommended that the Committee
 - 1.1.1 note the contents of this report;
 - 1.1.2 approve the provision of a shared cremation of pregnancy loss service on a chargeable basis to healthcare providers that request it;
 - 1.1.3 approve the creation of a small garden of remembrance in Mortonhall Cemetery for the interment (burial) of babies' ashes;
 - 1.1.4 approve the use of the Courtyard Entrance for coffins entering the crematorium at Mortonhall;
 - 1.1.5 approve the introduction of a 'Simple Service' at Mortonhall Crematorium at reduced charge to assist with combating funeral poverty; and
 - 1.1.6 approve the enforcement of management rules to protect the baby elephant memorial sculpture in Princes Street Gardens.

2. Background

- 2.1 In the last few years there have been significant drivers for change in the Bereavement Services industry. These drivers include competitive markets, changes to regulatory framework and consumer/political interest around funeral poverty.

Competitive Markets

- 2.2 In June 2018 the UK Competition and Markets Authority launched an investigation into segments of the £2bn per annum funeral industry. Areas in scope include fee charging and competition in both crematoria and funeral director businesses. Link to [investigation](#).
- 2.3 The number of cremation services held at Mortonhall Crematorium has trended gently down since 2010 - see Appendix 1 for chart. The main reason for this is the introduction of new private crematoria in Livingston, West Lothian and Melrose, Scottish Borders. There are also two private crematoria at Seafield and Warriston operated by Edinburgh Crematorium Company Ltd. Also having an impact is the lower death rate in Edinburgh which over 20 years has fallen 14% from 5,008 in 1997 to 4290 in 2017 – see Appendix 2 for chart.

Regulatory Framework

- 2.4 Following an initial investigation into historical practices around babies' ashes at Mortonhall Crematorium a national inquiry led by Dame Angiolini found significant unacceptable practices at some other crematoria in Scotland. This very unfortunate event has led to significant and welcome positive change to the regulatory framework in Scotland. The Committee of Lord Bonyon defined for the first time what cremated remains or ashes were. The Burial and Cremation (Scotland) 2016 Act was passed by Scottish Parliament and an Inspector of Crematoria was appointed to oversee the industry.
- 2.5 The Equalities Act 2010 prohibits direct or indirect discrimination against a person who has a protected characteristic of which religion or lack of religion is one. The Council, which operates Mortonhall Crematorium, unlike private crematoria has a duty as a public authority under section 149 of the Act to have due regard to the need to eliminate discrimination, advance equality and foster good relations between persons who share a relevant characteristic. Officers have reviewed the current provision at Mortonhall Crematorium in light of this duty and have two measures to bring forward for Committee approval to ensure ongoing compliance.

Funeral Poverty

- 2.6 Insurance companies Royal London National Funeral Cost Index 2018 and Sun Life Cost of Dying report 2018 have published annual reports which show an increasing trend in the cost of a funeral. The Scottish Government are consulting on bringing forward measures to address funeral poverty.

3. Main Report

- 3.1 The Bereavement Services industry is going through a period of rapid change to adapt to new regulations, competitive pressures, and demand for greater customer choice and affordability. The crematorium at Mortonhall has been through significant change due to the adverse findings of a national investigation into historical practices around babies' ashes.
- 3.2 A quality management system has been introduced which documents processes and procedures in written form. The quality system ensures consistency of approach to service delivery and staff training, provides a standard against which to audit and allows benchmarking with other crematoria.
- 3.3 Since every funeral is unique to the family and not repeatable the service has to strive to achieve 100% customer satisfaction. Staff have one chance to get things right which puts pressure on them, but they do this very well delivering a high quality of service.
- 3.4 The Scottish Government Inspector of Crematoria at his more recent annual inspection said "*Staff have [...] demonstrated that they are a creative, enthusiastic and efficient team, who can now focus on the future rather than the past.*"

Overall, the inspection found Mortonhall Crematorium to be operating to a good standard with no shortcomings identified to any aspect of the cremation process.”

- 3.5 Changes that have been put in place will not be able to stop the occasional one-off failure but will help avoid a future systemic process failure.

Shared Cremation

- 3.6 In Scotland pregnancy losses that occur at 24 weeks gestation or less may be cremated in a shared casket. The number of crematoria that provide a service for the shared cremation of pregnancy losses to healthcare providers is falling in Scotland as private sector crematoria withdraw. It is understood reasons for this include reduction in reputational risk. During the closure of Mortonhall Crematorium, pregnancy losses from NHS Lothian were cremated at Fife Council Dunfermline crematorium and ashes returned to Mortonhall for interment.
- 3.7 Mortonhall Crematorium provides a shared cremation of pregnancy loss service to NHS Lothian and Spire Healthcare. Service is now also provided to NHS Borders due to the withdrawal of their local private provider.
- 3.8 There is no statutory duty for the Council to provide a shared cremation service to the NHS and most local authorities do not have their own crematoria. In the absence of the City of Edinburgh Council providing this service it is unclear if any other organisations would be capable of doing so. Therefore, Committee is asked to approve the provision of a shared cremation of pregnancy loss service on a chargeable basis to healthcare providers that request it.
- 3.9 The cremated remains or ashes from an NHS Lothian shared cremation are currently interred in the Garden of Remembrance situated in the grounds of Mortonhall Crematorium. The architect Sir Basil Spence when designing the crematorium for the then Edinburgh Corporation took inspiration for the garden from the UNESCO World Heritage Site cemetery and crematorium at Skogskyrkogården in Stockholm.
- 3.10 The granite cross is described “*Skogskyrkogården is a multi-ethnic cemetery serving faiths other than Protestant Christianity, the cross is not intended to represent a symbol of faith, but rather a symbol of the circle of life and death.*”
- 3.11 Notwithstanding the above, it is recognised that the cross in the Mortonhall Garden of Remembrance may be viewed as a Christian symbol. As ashes from a shared cremation are interred together, there is the potential for the current area where shared ashes are interred to be incompatible with the beliefs of families that have non-Christian religious beliefs, or a lack of religious belief.
- 3.12 The Equality Act 2010 prohibits direct or indirect discrimination against a person who has a protected characteristic, of which religion or lack of religion is one. The Council, which operates Mortonhall crematorium has a duty as a public authority under section 149 of the Act to have due regard to the need to eliminate discrimination, advance equality and foster good relations between persons who share a relevant characteristic.

- 3.13 To comply with the Equality Act 2010 the Council has considered alternatives to interring ashes in Mortonhall Garden of Remembrance. This has included exploring the options of scattering or strewing ashes rather than interring them and interring ashes in a different location or cemetery. Officers have visited South Lanarkshire Council baby memorial garden to see how others provide a suitable area.
- 3.14 Numerous stakeholders have been consulted including SANDS Lothian and the Scottish Government Inspectors of Crematoria and Funeral Directors as well as the Scottish Government itself. Since the shared cremation service is provided for NHS Lothian numerous meetings and site visits have been held to ensure that a solution meets their requirements and that of future families that suffer loss. Legal advice was obtained to the effect that in consideration of the Council's duties under section 149 of the Equality Act 2010 the Council should give consideration to how facilities that might be more inclusive could be provided. The proposed solution has been devised in consultation with the Legal Services team.
- 3.15 The solution that best meets the requirements of stakeholders is to use a piece of ground at the north-west corner of Mortonhall Cemetery near the Baby Rose Garden. Having a range of baby memorials in the same area has a particular poignancy and allows Bereavement Services staff to be near at hand to assist families that require it. It is therefore proposed to create a new small Baby Garden of Remembrance for the interment of babies' ashes. Individual family arranged burial or ashes interment will also continue to be offered at Craigmillar Castle Park Cemetery or other appropriate place of the family's choosing.
- 3.16 The Baby Garden of Remembrance will be a seasonal garden so that there are some attractive plantings and colour at whatever time of the year that families visit. NHS Lothian Bereavement Services and SANDS Lothian have agreed to work with officers on the exact detail of the garden.
- 3.17 Local neighbours were consulted by letter copied to four Liberton / Gilmerton ward councillors for information. One resident responded expressing full support for the proposal, whilst a few others expressed concern that historically protected ground in the cemetery may be being used and there was a potential for loss of visual amenity. Officers have assured residents that no protected ground is being utilised. The proposed Baby Garden of Remembrance will be on a slope facing into the cemetery. It was established by officers during a site visit that the proposed Baby Garden of Remembrance would not be visible by residents facing into the cemetery. It is intended to plant a row of beech hedging between the proposed Baby Garden of Remembrance and the cemetery boundary wall to provide additional screening. See appendix 3 for site plan.
- 3.18 When the new Baby Garden of Remembrance is available the current interment site will be closed and marked with an inscribed flat stone. It is proposed that this be unveiled at the annual Child Bereavement Service at Mortonhall in Spring 2019.
- 3.19 The Committee is asked to approve the creation of a small Baby Garden of Remembrance in Mortonhall Cemetery for the interment (burial) of babies' ashes.

Choice of Crematorium Entrance

- 3.20 In 2017 the Federation of Burial and Cremation Authorities (FBCA) without wider consultation amended their UK wide Code of Practice to state that all coffins entering a crematorium must enter through the chapel and if present via a catafalque (raised central resting place for a coffin). At the choice of the family of the deceased coffins were received at Mortonhall either through one of the two chapels or alternatively through the Courtyard Entrance into the crematory room.
- 3.21 Council has previously agreed that it must follow the FBCA Code of Practice so practices at Mortonhall were amended to comply with the code. However, this change was unsatisfactory on two accounts
- 3.21.1 It restricted family choice where a service had been held elsewhere perhaps in a Sikh or Hindu place of worship; and
- 3.21.2 Since a catafalque has historical symbolism associated with Christian faith those with no faith may suffer indirect discrimination.
- 3.22 The Equality Act 2010 places a duty on the Council as a public authority under section 149 of the Act to have due regard to the need to eliminate discrimination. Therefore, representations were made to FBCA to amend their guidance to take account of the duties placed on local authority crematoria. The FBCA executive have agreed with officers and amended the UK Code of Cremation Practice.
- 3.23 Consultation has taken place with the Scottish Government Inspector of Crematoria and funeral director representatives to ensure that the Courtyard Entrance as a public space exceeds the requirements for a dignified and appropriate entrance to the crematorium.
- 3.24 As noted in 2.2 above the UK Competition and Markets Authority are investigating the crematorium market looking at consumer choice, competition, and pricing. The Scottish Government and others have a strong interest in increasing customer choice at a difficult time for them on the loss of a loved one and reducing funeral poverty. For some family's this can mean that a cremation without service or direct cremation is their preferred choice. It is estimated that around 6% of funerals choose the direct cremation route. It is proposed this new Courtyard Entrance service is offered at £344 which is consistent with that offered by both Glasgow and Falkirk Councils. The revised charge list is at Appendix 4.
- 3.25 Entrance to the crematorium via the Courtyard Entrance will be a welcome addition for families that do not wish to endure the trauma of a coffin arriving in a hearse and passing through them in the chapel. Instead the coffin is delivered discreetly to the crematorium in advance of the service and is ready in position when the family arrive at the chapel. This is called an "up in position" instruction.
- 3.26 In consideration of the Council's duties under the Equality Act 2010, to offer greater customer choice and an option to assist with reducing funeral poverty Committee is asked to approve the use of the Courtyard Entrance for coffins entering the crematorium at Mortonhall.

Choice of Cremation Service

- 3.27 As highlighted in 3.23 above the Scottish Government, CoSLA, UK Competition and Markets Authority and others have an interest in measures that will assist combating funeral poverty.
- 3.28 Dignity, the largest provider of crematoria and funeral directors in the UK, have introduced a Simple Service in an early timeslot which provides an opportunity for a small family group to have a short service and the opportunity to say a few words.
- 3.29 To assist with combating funeral poverty, it is proposed that the Council introduces a similar Simple Service in a new 9:00am time slot in the Pentland Chapel. This will be of 30 minutes duration rather than the standard one hour. The small family group can say goodbye with their choice of intro and outro music and the time for a family member or celebrant to say a few words of comfort. The new Simple Service will be offered at £554, which is a discount of £210 on the standard full-service charge.
- 3.30 The Registration Service have a number of Civil Celebrants who normally officiate at wedding ceremonies in venues across the city. Working in partnership with Bereavement Services a short funeral service has been developed which will be delivered by a Council Civil Celebrant. This new service which covers staff cost and travel will be offered to families at £89 which may be a lower cost choice for them helping to reduce the total costs of a funeral and thus addressing funeral poverty. The revised charge list is at Appendix 4.
- 3.31 Committee is asked to approve the introduction of a Simple Service at Mortonhall Crematorium at reduced cost to assist with combating funeral poverty.

Scottish Government Consultation on Funeral Costs.

- 3.32 The Scottish Government has launched a short consultation on funeral costs which closed on 8 November 2018. Areas of focus included transparency on charging, visible price lists and clear choices and options for families.
- 3.33 It is felt prudent to start implementing some of these items since the direction of travel is clear. The service price list will be displayed in the rolling information screen in the waiting room at Mortonhall Crematorium. A "Cremation Choices" brochure attached as appendix 5 has been created which includes the two new proposed "Courtyard Entrance" and "Simple Service" options so that families via their funeral director have a clear description and understanding of the choices that they make.

Princes Street Garden Babies' Ashes Memorial

- 3.34 Following the investigation into historical practices at Mortonhall it was agreed that a memorial garden would be created in the Garden of Remembrance. For those families unable to return to Mortonhall it was further agreed that a second memorial would be created in Princes Street Gardens. Renowned sculptor of Kelpies fame Andy Scott was commissioned to sculpt a baby elephant to be cast in bronze and erected in West Princes Street Gardens.

- 3.35 The bronze cast is in final phase of finishing at Powderhall Bronze Foundry keeping a local input from skilled artisans into this amazing piece of public art.
- 3.36 To ensure that the sculpture can be enjoyed by all equally the same, management rules as for the Mortonhall memorial which were approved at the full Council meeting on [2 June 2016](#) will be introduced.
- 3.37 The laying of wreaths, memorials, tributes, keepsakes, or trinkets will not be allowed and will be removed by Council staff. Committee is asked to approve the enforcement of management rules to protect the baby elephant memorial sculpture in Princes Street Gardens.
- 3.38 Delivering on a promise made by the Council to affected parents in recognition of the hurt and pain they have suffered the baby elephant which never forgets should be a fitting memorial.
- 3.39 The unveiling of the sculpture has been arranged for Saturday, 2 February 2019, at 11:00am in West Princes Street Gardens.

4. Measures of success

- 4.1 Creation of a new Baby Garden of Remembrance for babies' ashes in Mortonhall Cemetery in consideration of the Council's duties under the Equality Act 2010.
- 4.2 Introduction of Courtyard Entrance into Mortonhall Crematorium to enhance customer choice.
- 4.3 Introduction of a Simple Service at reduced charge to assist with reducing funeral poverty.
- 4.4 Unveiling of Baby Elephant Sculpture in Princes Street Garden in recognition of historical practices regarding baby's ashes at Mortonhall Crematorium.

5. Financial impact

- 5.1 The direct cost excluding employee costs for the Mortonhall Cemetery Babies Ashes Memorial Garden is estimated at £10-20k depending on types of plants and ornamental features purchased. This will be funded from the charges levied on NHS Lothian for whom the shared cremation service is provided.
- 5.2 Capital funding of £240k has been allocated for the elephant sculpture.

6. Risk, policy, compliance and governance impact

- 6.1 The actions and outputs described in this report adhere to the risk compliance policy and governance arrangements.

7. Equalities impact

- 7.1 In consideration of the Council's duties under section 149 of the Equality Act 2010 measures are brought forward in this report to create a new Baby Garden of Remembrance and use of Courtyard Entrance to address funeral poverty.

8. Sustainability impact

- 8.1 There are no significant sustainability implications arising from this report.

9. Consultation and engagement

- 9.1 A number of organisations were consulted on the content of this report. These included SANDS Lothian, Scottish Government Inspectors of Crematoria and Funeral Directors, Scottish Government officials, NHS Lothian, Institute of Cemeteries and Crematorium Managers (ICCM), Federation of Burial and Cremation Authorities (FBCA) and some resident's local to Mortonhall Cemetery.

10. Background reading/external references

- 10.1 <https://www.gov.uk/government/news/cma-investigates-funerals-sector>
- 10.2 <https://www.royallondon.com/Documents/PDFs/2018/National-Funeral-Costs-Index-2018.pdf>
- 10.3 <https://www.sunlife.co.uk/siteassets/documents/cost-of-dying/cost-of-dying-report-2018.pdf>
- 10.4 <https://skogskyrkogarden.stockholm.se/in-english/heritage/>
- 10.5 <https://skogskyrkogarden.stockholm.se/in-english/architecture/landscape/granite-cross/>
- 10.6 http://www.edinburgh.gov.uk/download/meetings/id/50872/item_81_-_mortonhall_action_plan_-_update

Director's name

Paul Lawrence

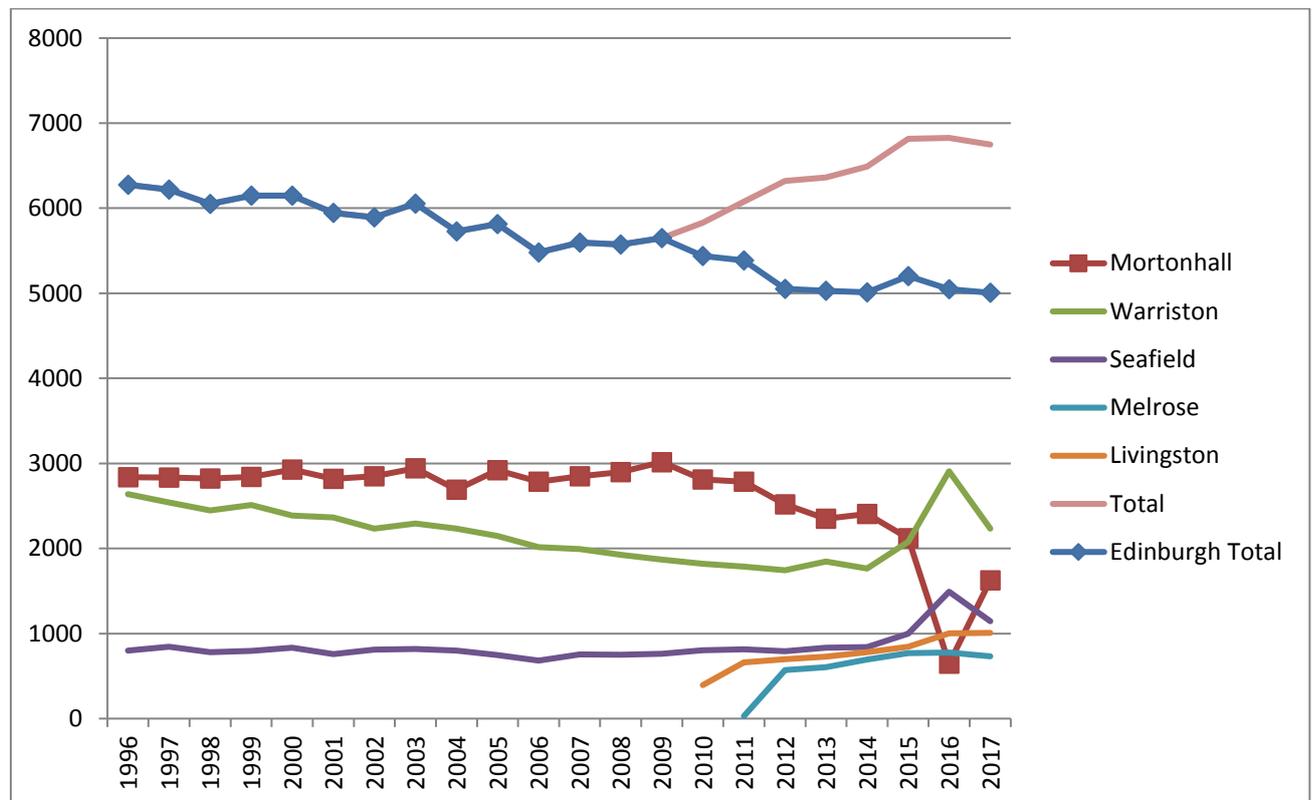
Contact: Robbie Beattie, Scientific Bereavement and Registration Senior Manager

E-mail: robbie.beattie@edinburgh.gov.uk | Tel: 0131 555 7980

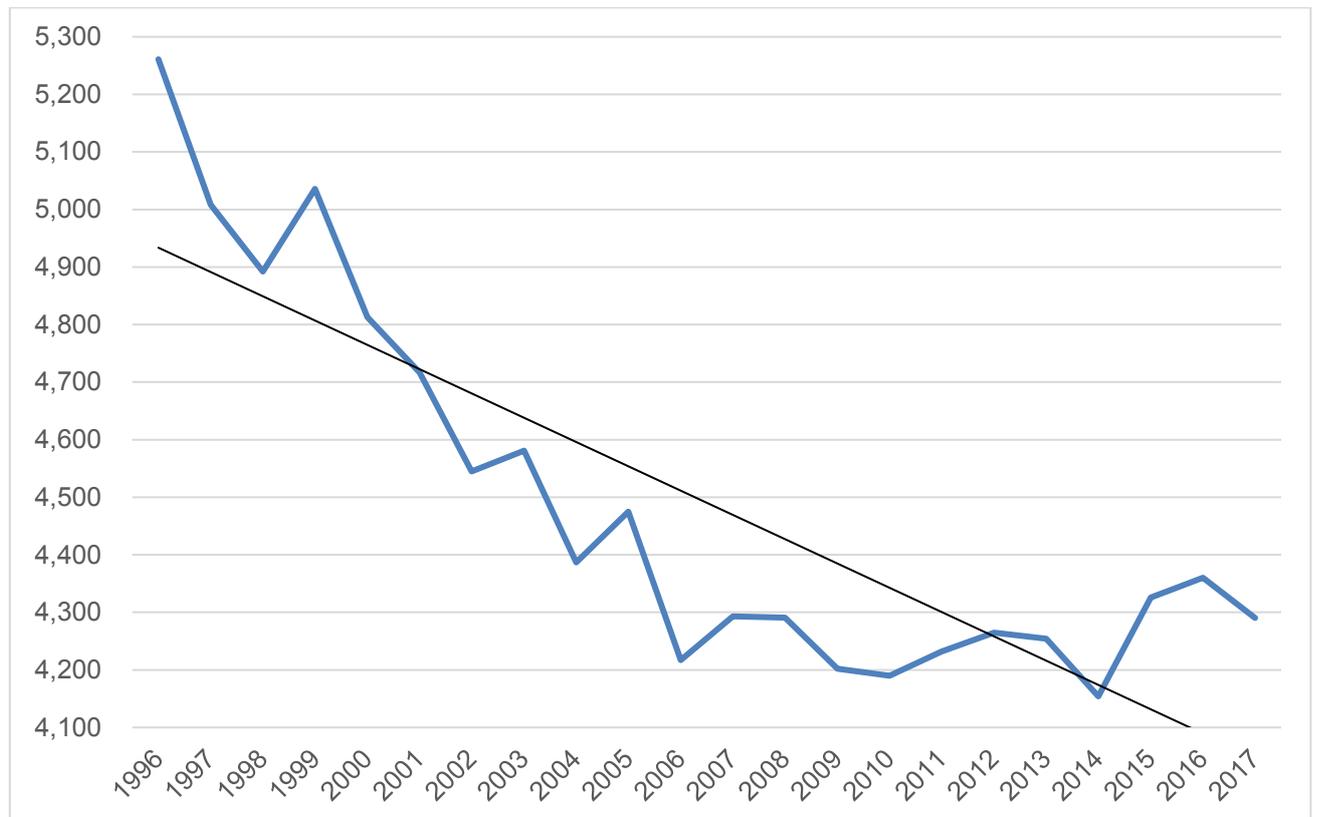
11. Appendices

Appendix 1	Number of Cremations in Local Crematoria 1996 to 2017
Appendix 2	Annual Number of Deaths in Edinburgh 1996 to 2017
Appendix 3	Plan of Memorial Garden Location at Mortonhall Cemetery
Appendix 4	Mortonhall Crematorium Charges
Appendix 5	Cremation Choices Leaflet

Number of Cremations in Local Crematoria 1996 to 2017



Annual Number of Deaths in Edinburgh 1996 to 2017



Plan of Memorial Garden Location at Mortonhall Cemetery



Mortonhall Crematorium Charges

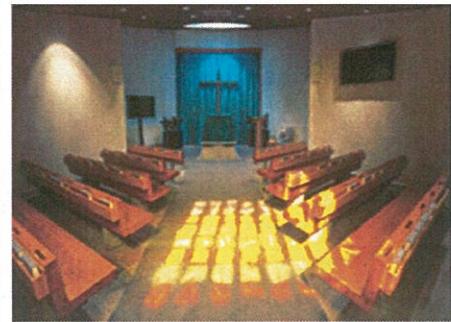
Cremation Charges - Updated Autumn 2018	Charge
Adult - Full Service in Main or Pentland Chapel	£764.00
Adult - Early Full Service in Main (9:00am) or Pentland Chapel (9:30am)	£634.00
Adult - Saturday Full Service in Main or Pentland Chapel	£917.00
Adult - Sunday Full Service in Main or Pentland Chapel	£1,017.00
NEW Adult - Simple Service in Pentland Chapel (9:00am)	£554.00
Adult - Direct through Chapel without Service or Ceremony	£490.00
NEW Adult - Direct through Courtyard without Service or Ceremony	£344.00
Child under 18 - Full Service in Main or Pentland Chapel	No Fee
Memorial Service Only	£383.00
Additional Service Time per Hour	£267.00
Disposal of Cremated Remains from other Crematoria	£229.00
NEW Council Civil Celebrant per service	£89.00
Organist hire per service	£45.00

MORTONHALL CREMATORIUM CREMATION CHOICES

Mortonhall Crematorium is situated on the south side of Edinburgh in an attractive mature woodland setting with the Stenhouse Burn providing a peaceful backdrop.

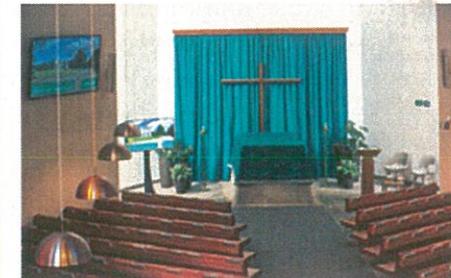
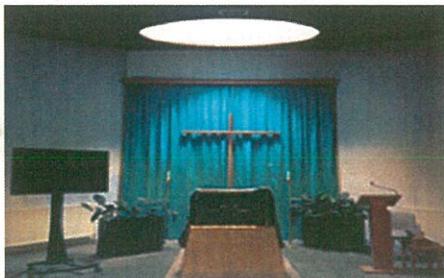
At Mortonhall Crematorium we offer a range of funeral services to suit all. When considering cremation for a loved one families can choose a full ceremony and service in either our Main or Pentland chapels. The service can be personalised with a choice of music including organist if required and photo or video tributes on our screens for an additional charge. Some families prefer just a smaller shorter less formal gathering which we offer as our Simple Service at the start of the day in our Pentland Chapel.

It is also popular to have a funeral service in another location chosen by the family such as a church, faith centre or funeral directors rooms either before or after the cremation. We offer cremation without service or ceremony, sometimes called a direct cremation. Families can choose for their loved one to enter the crematorium through a chapel onto the catafalque or be delivered direct to our Courtyard Entrance.



Full Service in Main Chapel

Our main chapel is a spectacular setting for a respectful and dignified full service for your loved one. The ceremony can be bespoke to suit the wishes of the family. We offer a full range of music and an organist on a pipe organ but some families like to bring their own musicians or singers to provide that special tribute. We use screens to reduce the size of the chapel to suit, but for larger services we can accommodate 360 with 310 seated and 50 standing – with space for more at the entrance where speakers relay the service.



Full Service in Pentland Chapel

Our Pentland Chapel is the smaller of our two chapels which offers a respectful and dignified backdrop for a full service for your loved one. The chapel can accommodate 80 with 65 seated and 15 standing with space for more at the entrance and speakers to relay the service.

Simple Service in Pentland Chapel

Some families prefer a smaller shorter less formal gathering which we offer as our Simple Service at the start of the day in our Pentland Chapel. Families have the opportunity with up to 12 people to say a few words and witness the committal with their choice of intro and outro music.

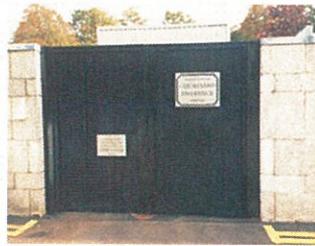


Direct Cremation without Service or Ceremony Chapel Entrance

Some families have a funeral service in another location chosen by the family such as a church, faith centre or funeral directors rooms. Or some families prefer not to have any ceremony or service at all. With this option families can choose for their loved one to enter the crematorium through a chapel onto the catafalque. Ashes can be returned to family or interred in our Garden of Remembrance

Direct Cremation without Service or Ceremony Courtyard Entrance

Families can choose for their loved one to enter the crematorium with no ceremony or service through our respectful and discrete Courtyard Entrance. Ashes can be returned to family or interred in our Garden of Remembrance.



Our Services

- ~ a welcome from uniformed staff dressed in a funeral dark grey tartan
- ~ an accessible public toilet in the waiting room and crematorium office
- ~ an induction deaf aid loop in both chapels for those with impaired hearing
- ~ a removable pew for wheelchairs in both chapels and a wheelchair
- ~ a car park in the grounds with disabled parking outside the chapels
- ~ music from a state of the art system with access to an online library
- ~ display of your photo or video tribute on a large screen or live webcast
- ~ religious symbols representing Buddhism, Christianity, Hinduism, San, Sikhism and Tao - all symbols can be covered for non-religious services



Mortonhall Crematorium, Howdenhall Road Edinburgh, EH16 6TX
Tel: 0131 664 4314 email: bereavement@edinburgh.gov.uk