

Anonymous Submission

Burial and Cremation (Scotland) Bill

The proposed bill appears to address many of the issues that came to light during the Mortonhall investigation in terms of the administrative processes of applying for cremation. However, in our view it does not satisfactorily address the poor practices that were exposed surrounding the process of cremation itself.

The most distressing findings of the Mortonhall report were the confirmation that ashes can be recovered from the cremation of foetuses when we were told that this was not the case, and the terrible practice of cremating babies overnight and failing to recover ashes before the first adult cremation the next morning, leading to babies ashes being mixed with those of adults.

The Scottish Government's "Consultation on a proposed Bill relating to burial and cremation and other related matters in Scotland" states:

"The Commission was convened to recommend improvements in the way that cremations of babies and infants are carried out, in response to historical poor practice at a number of crematoria across Scotland, details of which emerged in 2012. Families facing the unimaginable situation of the death of a baby or infant were given unclear or incorrect information about the cremation process, particularly about whether or not ashes would be recovered. My predecessor in this post, Michael Matheson, established the Commission to examine practice and recommend ways to ensure that this situation could not be repeated."

The guidelines and code of practice introduced following the Bonomy commission go some way to addressing the issues mentioned above however, we are concerned that there will still be variation in equipment and processes between crematoria. We believe that standard processes and equipment (including specialist infant cremators) should be used in every crematorium to give a consistent chance of recovering ashes from each cremation in every part of Scotland. We understand that there is still no guarantee of ashes, but the knowledge that an approved approach has been applied would remove doubt and provide reassurance.

Furthermore, there is no legal enforcement of the code and guidelines and we feel that a key aim of the Bill should be to ensure that a repetition of these practices would be an illegal act. We therefore recommend that ;

- 1) The code of practice is expanded to define a standard approach to cremation equipment and processes and
- 2) Wording is added to the Bill which would require crematoria by law to obey the code of practice and guidelines.

This would still allow updates to the code of practice without the need to amend the bill in Parliament.

There is another matter which is not directly related to the bill, but it may arise in the course of discussions.

The media keep reporting that all families affected by the Mortonhall practices were paid compensation. In fact some families did not seek and were not offered financial compensation and were only interested in finding out the truth and making sure that this could not happen again in the future. We contacted one publication to ask them to correct their statements but they and others have continued to publish this assertion.

If this compensation should be mentioned in the course of discussions about Mortonhall, you would do us great justice by taking the opportunity to set the official record straight on this matter.

Thank you for taking the time to consider our views. We would like this submission to be treated anonymously.

Anonymous