NHS Forth Valley

Burial and Cremation (Scotland) Bill

Thank you for the opportunity to comment on the above Bill. The relevant sections have been reviewed by the appropriate staff in NHS Forth Valley and I hope our response is helpful.

NHS Forth Valley is already compliant with the majority of the Bill but we would seek clarity on the sections as outlined below:

Section 47 - Nearest surviving relative to have authority for making decision for funeral arrangements for stillbirth or child – The Bill states that if there is more than 1 nearest relative e.g. sister/brother, grandparent, that they have equal rights. This could lead to conflict and Health Boards would require clarity as to which relative’s views were to be followed.

Section 50 – Arrangements on loss of Pregnancy – (2b) – The Bill proposes that woman suffering a pregnancy loss should be offered the opportunity to delegate the responsibility and authorisation for the burial/cremation of their loss to another individual over the age of 16. At present NHS Forth Valley do not offer women the opportunity to delegate another person to authorise the arrangements for disposal of their pregnancy loss. It is the view of the staff reviewing this document that the introduction of this option may cause difficulties and conflict with other relatives/persons and possible mental anguish to the women suffering the loss. The woman may, in the future, regret delegating this decision particularly if they are no longer in contact with the person who made the decision for them and potentially this could delay or elongate the grief process.

(3) Informing woman when it would not be reasonably practicable for the authority to arrange for the remains to be disposed of in a particular way – This may apply when there is no tissue remaining for sensitive disposal following histopathology. Currently information regarding this is included in the patient information leaflet but clarification is required around whether there is a need to advise women personally when this situation occurs.

Section 53 - Appropriate health authority authorised to make arrangements – Current practice within NHS Forth Valley is that the remains are kept for 6 weeks before disposal. Patients who are undecided regarding burial/cremation of their loss are given 7 days to think about the options or even change their minds about previously agreed arrangements. To dispose of the loss after 7 days as suggested in the Bill would require that all information leaflets, transport and crematorium arrangements, only recently reviewed and amended as per previous guidelines, would require to be amended with resource and financial implications for the Board.

Section 55 (2a) - Require a register kept under this section to be in a specified form and kept in a specified manner, (2b) make such other provision relating to such a register (including creating criminal offences) as they consider appropriate – NHS Forth Valley has an electronic
database as per previous guidelines. We would require further clarity as to whether this would now adhere to the format and manner required. If a new national template is to be introduced it may have considerable impact both on resources and finance. The database currently used was created in house and did not involve any financial remuneration. The contents and use were agreed by the Local Authority and Health staff and lines of communication e.g. generic email box, were set up to ensure that the information required was processed in an accurate and timely manner

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