

ITEM No ...13.....

REPORT TO: POLICY AND RESOURCES COMMITTEE - 19 NOVEMBER 2018

REPORT ON: DRAFT STATUTORY GUIDANCE ON FUNERAL COSTS: RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 363-2018

1. PURPOSE OF REPORT

To advise members of a consultation by the Scottish Government on Draft Statutory Guidance on Funeral Costs and to seek agreement on the Council's response.

2. RECOMMENDATIONS

It is recommended that Committee:

- (i) notes that the Scottish Government is consulting on Draft Statutory Guidance on Funeral Costs.
- (ii) agrees the Council's response to the consultation as set out in Appendix 1.

3. FINANCIAL IMPLICATIONS

None.

4.0 BACKGROUND

- 4.1 At its meeting on 24 September 2018, the Policy and Resources Committee agreed Report 283-2018 headed "Action on Funeral Poverty Update" (Article VI of the minute). The report informed members that the Scottish Government was seeking views on draft Statutory Guidance on Funeral Costs for local authorities, burial and cremation authorities, and funeral directors.
- 4.2 The focus of the Scottish Government's consultation is on the costs associated with arranging a funeral, and the Draft Statutory Guidance sets out steps that burial and cremation authorities and funeral directors can take to improve the transparency and availability of pricing information to help people understand the costs associated with arranging a funeral and choose the right option for them.
- 4.3 The above report also advised that officers would prepare a response to the consultation for approval by members, and a proposed response is attached at Appendix 1.

5. POLICY IMPLICATIONS

This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risks. There are no major issues.

6. CONSULTATIONS

The Council Management Team has been consulted in the preparation of this report.

7. BACKGROUND PAPERS

Draft Statutory Guidance on Funeral Costs
Scottish Government Consultation: August 2018

Elaine Zwirlein, Executive Director of Neighbourhood Services

DATE: 7 November, 2018

DRAFT STATUTORY GUIDANCE ON FUNERAL COSTS**Submission on behalf of Dundee City Council (DRAFT)****Introductory remarks**

Dundee City Council welcomes the Scottish Government's intent to take action to ease the burden on bereaved individuals and families when facing the rising cost of funerals.

Q1: Do you think that the Scottish Government should publish a glossary of terms alongside the guidance on funeral costs?

Yes. This would provide consistent, clear guidance in 'plain English' across Local Authorities for the general public who are seeking burial services.

Q2: If you answered "yes", please list any particular terms that you think this glossary should include, along with a rough definition of what you understand the term to mean.

Title Deed – right of burial only and not ownership of lair.

Perpetuity – for an indefinite period i.e. forever.

Memorial – generally a headstone.

Lair – grave

Q3: Do you think that the guidance should include measures which encourage private cemeteries and crematoriums and funeral directors with a website to display their pricing information online?

Yes

Q4: Please explain your answer.

This will increase transparency of costs and will encourage more funeral directors and private cemeteries to be more competitive when setting prices.

Q5: In order for crematoriums to display their prices in a consistent manner, the Scottish Government proposes that all crematoriums should base their standard service charge on a common set of components. These are:

- Cremation fee
- Mercury abatement fee (where applicable)
- Provision of container for ashes
- Cremation certificate
- Provision of chapel / service room
- Administration and processing of forms

Do you think that the standard cremation service definition proposed in the draft guidance captures all of the necessary elements?

Yes. We would agree that all cremations should display pricing in a clear and consistent manner.

Q6: If you answered "no", please provide suggestions for items that you think should be added or removed.

N/A

Q7: To help consumers make comparisons between funeral directors we have proposed a standard definition for a simple funeral. This is set out in paragraph 9 of the draft guidance for funeral directors and also in paragraph 50 of this consultation document. Do you think that the simple funeral service definition set out in the draft guidance captures all of the necessary elements?

Yes, we feel that this is a comprehensive definition of all services that funeral directors need to provide. The list reflects the approach DCC is taking in relation to developing a Respectful Funeral Package. Please see response to Q20 for further information.

Q8: If you answered “no”, please provide suggestions for items that you think should be added or removed.

N/A

Q9: Do you think that the guidance for funeral directors should include a measure suggesting that funeral directors should describe their processes for care of the deceased to help consumers understand costs associated with this?

Yes

Q10: Please explain your answer.

We feel that there should be a detailed description for each cost. However, some family members may not wish to know the defined process of care for the deceased, i.e. stored in refrigerated unit or transportation from place of death. This should be available to the bereaved family as an option if they require more detail.

Q11: Do you think that the guidance should include a provision encouraging burial and cremation authorities to make reasonable efforts to accommodate the wishes of a person that does not want to use a funeral director?

Yes

Q12: Please explain your answer.

There would have to be very clear, detailed guidance for families requesting not to use a funeral director, i.e. Environmental Health considerations. Funeral Directors accessing DCC cemeteries should have the appropriate insurances in place.

Q13: Paragraphs 3 and 4 of the draft guidance for local authorities suggest that local authorities should consult the public when developing charging proposals and explain the reasons for any proposed changes to charges.

Do you think these measures will help improve the transparency of, and public engagement with, the local authority charge setting process?

Partly, although we are already doing this as part of our annual budget setting process.

Q14: Please explain your answer.

Our existing fees and charges are reviewed annually as part of our budget setting process. In recent years, and whilst as far as we are aware, there is no obligation to do so, the Council's Administration Group already consult the wider public on their charging proposals ahead of them being formally agreed by elected members. It should be noted that in February 2017 following feedback on charging proposals from this external consultation exercise in financial year 2017/18, the decision was taken not to increase burial charges in Dundee City Council.

Q15: Paragraph 5 of the draft guidance for local authorities suggests that local authorities should publish information from their Local Financial Returns annually on their websites, showing income generated and expenditure incurred through the provision of burial and cremation services.

Notwithstanding the points raised in Q16 below, we would have no major issues with this.

Q16: Please explain your answer.

Providing that local authorities also publish the appropriate contextual information to explain how these figures have been calculated, it is agreed that the publishing of this information would lead to greater transparency and a better public understanding of the costs and income. The publication of this will inevitably lead to comparisons being made between the

data published by local authorities, so it is important that the data provided meets the SG's LFR guidance to ensure these figures are as consistent and comparable as possible.

Q17: Do you think the guidance should encourage local authorities to link burial and cremation charge setting to broader strategies and duties aimed at reducing poverty?

Funeral poverty is a growing problem and wherever possible should be linked to broader strategies on tackling poverty. It is important to note that many local authorities are not in control of cremation charges. Therefore linking commercial cremation charges and funeral costs to anti-poverty policies and strategies may be difficult.

Q18: Please explain your answer.

In common with Councils across Scotland, Dundee City Council has seen a growing number of people experiencing difficulty in meeting the costs of a funeral. There is strong evidence that people feel obliged to give a loved one a 'good send-off', and are taking on debts, sometimes high interest rate debt, to do so. In Dundee, it is estimated by a Dundee Funeral Poverty Action Group that up to 400 funerals a year come from areas in the city designated as being in the 15% Most Deprived in Scotland. It is therefore crucial that the cost of funerals is made more affordable, and efforts to do so should be linked to and based upon levels of poverty and deprivation in Scotland. Dundee City Council has embarked on a range of initiatives to help in this regard and it would be preferable if this was part of a broader Scotland wide strategy and action plan.

Q19: Do you think that local authorities should be encouraged to take actions to support individuals who are struggling with the costs of a funeral?

Yes

Q20: Please explain your answer.

Dundee City Council are developing a Respectful Funeral Package to provide an affordable option for those individuals who do not have sufficient provision to meet funeral costs.

A framework and tender documentation is being developed, which will invite Funeral Directors to participate in the Respectful Funeral Package tender process. It is anticipated that tendered bids will offer reductions in the fees for undertakers' services.

The package will be procured and promoted by DCC, the Dundee Funeral Support Service and the Undertakers whose bids are accepted. The package will also offer a range of costed additional services so that families can make an informed decision on the funeral they can afford.

Furthermore, in June 2018, DCC agreed that interment fees for children under 18 be revoked and that there would be no charges other than the cost of purchasing a lair and its associated fees. However, it is intended that the purchase and interment costs will be reviewed in the near future.

Q21: Please tell us about any potential impacts, either positive or negative, that you consider the proposals in this consultation may have on people who may be differently affected in relation to the protected characteristics.

There is a potential positive impact as the proposals would create a system without barriers, with the same options for funeral services available to all citizens of Dundee.

Q22: Please tell us about any potential business or regulatory impacts, either positive or negative, costs and burdens that you think may arise as a result of the proposals within this consultation.

We do not believe there to be any potential business or regulatory impacts for the Council. The proposals may lessen the impact on National Assistance burials.

