

Governance, Risk and Best Value

1pm, Thursday, 24 January 2013

Mortonhall Crematorium Investigation: Initial Findings – Covering Report

Item number 8.1

Report number

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Single Outcome Agreement

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Terms of Referral

Mortonhall Crematorium Investigation: Initial Findings – Covering Report

Terms of referral

The Governance, Risk and Best Value Committee agreed on 6 December 2012 that the results of the investigation into Mortonhall Crematorium be reported to the Governance, Risk and Best Value Committee.

The Transport and Environment Committee considered the attached report outlining the initial findings of the Mortonhall Crematorium Investigation on 15 January 2013.

The Transport and Environment Committee agreed the following:

- a) On completion of this initial fact finding investigation, a suitable independent person should be commissioned to oversee and direct any further enquiries required and to consider the recommendations included in this report and any others. This may include looking at policy and practice in other local authority areas since initial enquiries suggest there are variations in practice across Scotland.
- b) In order to inform the further investigation, the Council along with other key stakeholders such as The Institute of Cemetery and Crematorium Management (ICCM), the Federation of Burial and Cremation Authorities (FBCA), NHS Lothian, Funeral Directors, Edinburgh Interfaith Association, Sands UK and SANDS Lothians should immediately review current policy, practice, equipment and staff training at Mortonhall Crematorium to ensure that communications with funeral directors, hospital staff and bereaved parents is compliant with current national guidance, and that record keeping is similarly compliant. Written policy and guidance should be produced, in conjunction with stakeholders and should be published.
- c) In dialogue with bereaved parents, the Council should continue discussions about an appropriate memorial.
- d) The Council should continue to facilitate counselling support to bereaved parents directly and/or through SANDS Lothians or other appropriate organisations.
- e) To note that in view of the volume of work to be undertaken and the need to make progress quickly, independent auditors are carrying out further investigation into communications with bereaved parents regarding the recovery of ashes and the records held at Mortonhall both before 2001 and between then and 2011.
- f) Bereaved parents who have made enquiries should all receive a full explanation regarding the recovery or non recovery of ashes and should have access to all the records informing that explanation. In order to ensure complete and accurate

information this will be done on completion of the investigation. Any enquiries received in future will all receive full and detailed information.

- g) To note that the Chief Executive will continue to maintain a dialogue with the Scottish Government on issues arising from this investigation which may have wider significance.
- h) To note that the Chief Executive would write to bereaved parents who had contacted the Council advising them of the Committee's decision.
- i) To note that the Chief Executive would provide a briefing paper to members detailing the information sent to parents.

As outlined in decision a) above the Transport and Environment Committee agreed to appoint an independent person to carry out a further investigation, building on an initial fact finding investigation carried out by a senior council officer. Parents have consistently expressed concerns about the objectivity of a council investigation and the committee endorsed the recommendation to appoint an independent person in order to ensure confidence in the integrity and transparency of the process

The Chief Executive has agreed that the scope of the investigation by the independent person is as follows:

- Review the initial findings.
- Direct the completion of the audit of crematorium records currently underway.
- Review the arrangements to ensure that all parents who have registered an enquiry receive a full response supported by the relevant documentation.
- Establish whether the evidence from the audit, the initial findings and any other interviews undertaken by the independent person indicate failures in professional standards and/or management practices.
- Assess and comment on the arrangements to review current policy and practice recommended in the attached report and contribute as necessary.
- Assess and comment on the communication process between Mortonhall, NHS Lothian, funeral directors and bereaved parents.
- Review national guidance and policy and practice in other authorities in order to establish whether guidance requires to be reviewed and refreshed.

For decision/action

1. To note the initial findings into the Mortonhall Crematorium Investigation.
2. To request that the results of the independent investigation and reports arising from the investigation are reported to the Governance, Risk and Best Value Committee.

Background reading / external references

[Governance, Risk and Best Value Committee Minute 6 December 2012](#)

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Appendices Report by the Chief Executive

Tuesday 15 January 2013

Mortonhall Crematorium Investigation: Initial Findings

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Wards All

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Coalition pledges

Ensure that Edinburgh citizens are well cared for.

Sue Bruce

Chief Executive

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Mortonhall Crematorium Investigation: Initial Findings

Summary

This preliminary investigation was carried out to establish the facts associated with the cremation at Mortonhall Crematorium of babies who died before, during and shortly after birth since its opening in 1967. The investigation was prompted by questions raised by SANDS Lothians, the local stillbirth and neonatal death charity, regarding the recovery and location of ashes following cremations. The preliminary investigation was led by Mike Rosendale, Head of Schools and Community Services, on behalf of City of Edinburgh Council. His initial findings are attached in full as Appendix 1.

Recommendations

1. On completion of this initial fact finding investigation, a suitable independent person should be commissioned to oversee and direct any further enquiries required and to consider the recommendations included in this report and any others. This may include looking at policy and practice in other local authority areas since initial enquiries suggest there are variations in practice across Scotland.
2. In order to inform the further investigation, the Council along with other key stakeholders such as The Institute of Cemetery and Crematorium Management (ICCM), the Federation of Burial and Cremation Authorities (FBCA), NHS Lothian, Funeral Directors, Edinburgh Interfaith Association, Sands UK and SANDS Lothians should immediately review current policy, practice, equipment and staff training at Mortonhall Crematorium to ensure that communications with funeral directors, hospital staff and bereaved parents is compliant with current national guidance, and that record keeping is similarly compliant. Written policy and guidance should be produced, in conjunction with stakeholders and should be published.
3. In dialogue with bereaved parents, the Council should continue discussions about an appropriate memorial.
4. The Council should continue to facilitate counselling support to bereaved parents directly and/or through SANDS Lothians or other appropriate organisations.
5. To note that in view of the volume of work to be undertaken and the need to make progress quickly, independent auditors are carrying out further

investigation into communications with bereaved parents regarding the recovery of ashes and the records held at Mortonhall both before 2001 and between then and 2011.

6. Bereaved parents who have made enquiries should all receive a full explanation regarding the recovery or non recovery of ashes and should have access to all the records informing that explanation. In order to ensure complete and accurate information this will be done on completion of the investigation. Any enquiries received in future will all receive full and detailed information.
7. To note that the Chief Executive will continue to maintain a dialogue with the Scottish Government on issues arising from this investigation which may have wider significance.

Measures of success

- The provision of accurate information to those bereaved parents who have raised questions about the recovery of ashes from cremations and the location of such ashes
- Increased clarity in the capacity to recover ashes
- Improved communications between partners
- The Council reflects on its practice and becomes more customer focussed.

Financial impact

- Council should consider providing additional financial resources to support all necessary improvements in equipment and process to increase the likelihood of the recovery of ashes and to provide, in consultation with bereaved parents, an appropriate memorial.

Equalities impact

- The contents and recommendations in this report are relevant to the Equality Act 2010 general duties to (i) advance equality of opportunity and (ii) foster good relations. An equality and rights impact assessment process is underway

Sustainability impact

No sustainability issues have been identified as a result of this report.

Consultation and engagement

The Council should continue to engage with partner organisations such as ICCM, FBCA, NHS Lothian, Funeral Directors, Edinburgh Interfaith Association, Sands UK and SANDS Lothians. In relation to any wider issues arising the Chief Executive will continue to engage with the Scottish Government in line with recommendation 7.

Background reading / external references

Mortonhall Crematorium: Initial Investigation Report

1. Background

- 1.1 This investigation was initiated following questions raised by SANDS Lothians regarding the recovery of ashes from the cremation at Mortonhall Crematorium of babies who have died before, during or soon after birth. SANDS Lothians are a local charity offering support to parents who have experienced the death of a baby. They are independent of the national charity Sands UK.

These questions were prompted by the response to an enquiry made to the Bereavement Services Manager at Mortonhall several weeks ago about the cremation of a child 26 years ago. Subsequent media coverage led to a large number of enquiries from bereaved parents seeking to establish whether ashes had been recovered from the cremation of their babies. Currently 150 families have registered enquiries

- 1.2 The Council appointed Mike Rosendale, Head of Schools and Community Services, to conduct an initial fact finding investigation and to report back initial findings and recommendations for further action.

2. Main report

- 2.1 Appendix 1 provides the detail of the initial fact finding investigation.
- 2.2 Independent auditors have been commissioned to undertake a full examination of records held at Mortonhall and their findings will inform next steps.
- 2.3 Further investigation is required into communication processes between Crematorium staff and Funeral Directors and hospital staff who liaise with bereaved parents and families.
- 2.4 The Chief Executive will maintain a dialogue with the Scottish Government on issues arising from this investigation which may have wider significance.

3. Recommendations

1. On completion of this initial fact finding investigation, a suitable independent person should be commissioned to oversee and direct any further enquiries required and to consider the recommendations included in this report and any others. This may include looking at policy and practice in other local authority areas since initial enquiries suggest there are variations in practice across Scotland.
2. In order to inform the further investigation, the Council along with other key stakeholders such as The Institute of Cemetery and Crematorium Management (ICCM), the Federation of Burial and Cremation Authorities (FBCA), NHS Lothian, Funeral Directors, Edinburgh Interfaith Association, Sands UK and SANDS Lothians should immediately review current policy, practice, equipment and staff training at Mortonhall Crematorium to ensure that communications with funeral directors, hospital staff and bereaved parents is compliant with current national guidance, and that record keeping is similarly compliant. Written policy and guidance should be produced, in conjunction with stakeholders and should be published.
3. In dialogue with bereaved parents, the Council should continue discussions about an appropriate memorial.
4. The Council should continue to facilitate counselling support to bereaved parents directly and/or through SANDS Lothians or other appropriate organisations.
5. To note that in view of the volume of work to be undertaken and the need to make progress quickly, independent auditors are carrying out further investigation into communications with bereaved parents regarding the recovery of ashes and the records held at Mortonhall both before 2001 and between then and 2011.
6. Bereaved parents who have made enquiries should all receive a full explanation regarding the recovery or non recovery of ashes and should have access to all the records informing that explanation. In order to ensure complete and accurate information this will be done on completion of the investigation. Any enquiries received in future will all receive full and detailed information.
7. To note that the Chief Executive will continue to maintain a dialogue with the Scottish Government on issues arising from this investigation which may have wider significance.

Sue Bruce

Chief Executive

Transport and Environment

15 January 2013

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Appendix 1

MORTONHALL INVESTIGATION – INITIAL FINDINGS

Background

This investigation was initiated following questions raised by SANDS Lothians regarding the recovery of ashes from the cremation at Mortonhall Crematorium of babies who have died before, during or soon after birth since its opening in 1967. SANDS Lothians are a charity offering support to parents who have experienced the death of a baby. They are independent of the national charity Sands UK. These questions were prompted by the response to an enquiry made to the Bereavement Services Manager at Mortonhall several weeks ago about the cremation of a child 26 years ago. The parent had been informed at that time that no ashes had been recovered, but examination of the records kept at Mortonhall indicated that ashes had been interred in the Crematorium's Garden of Remembrance. Subsequent media coverage led to a large number of enquiries from bereaved parents seeking to establish whether ashes had been recovered from the cremation of their babies. Currently 150 families have registered enquiries.

The City of Edinburgh Council made an immediate apology to bereaved parents. An initial fact finding investigation was established with a remit to:

- identify previous working practices, the rationale for these practices, and the information given to parents
- examine current working practices and assess whether these meet the expectations of bereaved families and relevant service standards
- identify the role played by hospital staff and funeral directors in relation to these matters
- identify working practices in independent crematoria and in Council crematoria outwith Edinburgh
- establish what concerns about previous or current practices have been raised with Council staff and what action has been taken to address these concerns

Investigation to date

The investigation commenced on 10th December 2012 and since then interviews have been conducted with relevant existing and former Council and crematorium staff as well as hospital and funeral director staff and two representatives of SANDS Lothians.

In addition, the investigating officer attended a public meeting of bereaved parents organised by SANDS Lothians on 13 December 2012 and met with a group of 5 bereaved parents immediately after the public meeting. Requests have been made to other local authorities to ascertain policy and practice in their crematoria and information received will inform the next steps of the investigation. Discussion has also take place with the Federation of Burial and Crematorium Authorities (FBCA). Information has been collated from the Institute of Cemetery and Crematorium Management (ICCM).

Information has been requested from all Funeral Directors associated with Mortonhall Crematorium in relation to the information provided to them about the likelihood of the recovery of ashes and the subsequent provision of advice to bereaved parents.

General Practice

Crematorium staff carry out their duties with all due respect, care and dignity. There is no evidence of any inappropriate or insensitive practice. All staff who carry out cremations have a Certificate of Proficiency in the practical and ethical operation of cremation equipment. The process for dealing with recovered ashes to be retained by the crematorium is the same for babies as it is for adults. Ashes are placed in an individual biodegradable container. These containers are placed together in a section of the Garden of Remembrance. The location of the containers is recorded so that it is possible to identify in which section an individual's ashes are interred. At Mortonhall there are no memorial features in the Garden of Remembrance but where these are requested they are placed in the Rose Garden. It should be noted that an external inspection of Mortonhall was carried out by the FBCA on 12 April 2005 and no issues were identified.

National Guidance

Current guidance issued by the ICCM indicates that parents "should be informed that there might not be any ashes resulting from the cremation" - ICCM Policy and Guidance for Baby and Infant Funerals, June 2011. There is no additional local written policy or guidance on these matters in use at Mortonhall.

The National Guidance from FBCA is also clear that when a baby is cremated there are sometimes no ashes recovered. This depends on the length of the gestation period, with the likelihood of recovery of ashes increasing with the length of gestation. The FBCA guidance to funeral directors emphasises that parents must be informed of this possibility so that they are making an informed choice between cremation and burial.

Recovery of ashes

Evidence provided by crematoria staff and managers has shown varying levels of confidence in the likelihood of the recovery of ashes. Our initial findings suggest that some other crematoria appear to be relatively confident that ashes can be recovered while the position has been less clear at Mortonhall. The type of cremator equipment used appears to be significant as does the method and these will be addressed as part of the follow on investigation.

At Mortonhall efforts have been made to improve the likelihood of recovering ashes by various means including carrying out cremations at the end of the day when the cremators are cooling and placing the coffin in a steel tray or box which would enclose ashes during the cremation. These improvements in equipment and method since May 2011 appear to have increased confidence in the recovery of ashes. There remain examples where ashes have not been recovered in a small

number of cremations and advice to parents and carers continues to stress, in line with the National Guidance, that there is no guarantee of recovery. Information provided to bereaved parents by NHS Lothian in May 2012 indicates that “..there will be no retrievable cremated remains of your baby following cremation at Mortonhall Crematorium..”.

Information provided to parents and crematorium records

At Mortonhall, prior to May 2011, parents and carers were advised that the recovery of ashes could not be guaranteed. However, the paper based records in use before 2001 generally indicate that recovered ashes were interred in the Garden of Remembrance. Computer based records introduced in 2001 and still in use, indicate that there were generally no ashes. The audit of records currently underway may assist in clarifying the actual position in each case.

Crematorium staff are not the direct providers of information to parents. Communication is through funeral directors and hospital staff who act on the basis of advice from crematorium staff. It is not known whether such advice to funeral directors and hospital staff has been provided consistently and effectively. There is no evidence of written communications on these matters until very recently. Parents and carers make decisions about the retention or interment of ashes on the basis of the information provided to them at a time when they are severely distressed and it is imperative that the quality of information is of the highest quality and accuracy. This matter will be addressed in the follow on investigation.

The initial findings suggest that records kept prior to 2011 may not accurately reflect whether or not ashes were recovered from the cremation of babies who were stillborn after 24 weeks or more of pregnancy, or suffered neonatal death. This matter will be addressed in the follow on investigation.

In the case of babies who died before the 24 weeks gestation period, while details are not part of a statutory record, crematoria are required by the ICCM to keep a non statutory record which includes information about the recovery of ashes and the final resting place. The records at Mortonhall Crematorium are currently being examined to establish whether all the necessary information has been recorded in these cases.

PricewaterhouseCoopers LLP have been commissioned by the Council to further examine and cross reference records held at Mortonhall and to report their findings to the Investigating Officer. The auditors are examining as a priority the 150 cases registered and will then review all records relating to babies. All of this information will be fed into the further investigation for review and will also be provided to parents who have registered enquiries, on completion of the investigation.

Recent Improvements

Since May 2011 changes have been introduced at Mortonhall Crematorium aimed at increasing the likelihood of recovery of ashes as well as improving recording systems and communication with bereaved parents through funeral director services. Funeral Directors have been informed that Mortonhall has made changes and now recovers ashes in more cases. There is the potential that updating of technical equipment will improve this further and this will be the subject of further investigation.

Recommendations

1. On completion of this initial fact finding investigation, a suitable independent person should be commissioned to oversee and direct any further enquiries required and to consider the recommendations included in this report and any others. This may include looking at policy and practice in other local authority areas since initial enquiries suggest there are variations in practice across Scotland.
2. In order to inform the further investigation, the Council along with other key stakeholders such as The Institute of Cemetery and Crematorium Management (ICCM), the Federation of Burial and Cremation Authorities (FBCA), NHS Lothian, Funeral Directors, Edinburgh Interfaith Association, Sands UK and SANDS Lothians should immediately review current policy, practice, equipment and staff training at Mortonhall Crematorium to ensure that communications with funeral directors, hospital staff and bereaved parents is compliant with current national guidance, and that record keeping is similarly compliant. Written policy and guidance should be produced, in conjunction with stakeholders and should be published.
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4. The Council should continue to facilitate counselling support to bereaved parents directly and/or through SANDS Lothians or other appropriate organisations.
5. To note that in view of the volume of work to be undertaken and the need to make progress quickly, independent auditors are carrying out further investigation into communications with bereaved parents regarding the recovery of ashes and the records held at Mortonhall both before 2001 and between then and 2011.
6. Bereaved parents who have made enquiries should all receive a full explanation regarding the recovery or non recovery of ashes and should have access to all the records informing that explanation. In order to ensure complete and accurate information this will be done on completion of the investigation. Any enquiries received in future will all receive full and detailed information.
7. To note that the Chief Executive will continue to maintain a dialogue with the Scottish Government on issues arising from this investigation which may have wider significance.

Mike Rosendale

Head of Schools and Community Services

11 January 2013