

A Natural Undertaking response to Quality Regulation Remedies and the Information and Transparency Remedies papers released in January 2020.

Before responding directly to the questions posed we would like to make our own comments first based on what we have read.

It's important to remember that what funeral directors offer is a service - not a functional product, like car or home insurance that fulfils a need if a certain situation were to occur, and which provides a clear remedy in those instances.

What funeral directors do runs way deeper than simply providing a product to dispose of the body of a person who has died. We have functional elements for sure, but what we do mainly is to provide a service. And the problem is it's hard to fully define the value of the service we deliver because it's quite intangible, and mostly people won't know they will need or value it until they've experienced it, and even then, they may still find it hard to describe it. Here's an illustration of what we mean:

We recently met up again with a lady whose 18 year old son died tragically in the autumn. It was a very intense period of time for all of us (yes - these situations also place a great toll on the people supporting the families too, and as an aside, none of this appears to be acknowledged in the published papers). It took her until January to write to us to thank us for our support.

When we met with her this week she explained that she had felt so grateful at the time for everything we did but that she needed 6 months at least for the dust to settle and for her to work out what it was exactly that had been so valuable. She described the space we gave her and her son's father to make their decisions, (not just in one arrangement meeting but across the 2-3 week period); she described the environment we provided, she described how we listened, how we didn't rush in with all the answers but helped with solutions when we could see they were struggling.

The outcome was that they ended up with something they never could have imagined in advance, don't believe they would have got to without our help but was ultimately something they feel proud of; that friends and family said made them feel full rather than empty. It was not your classic definition of a funeral.

The point is, she neither knew at the time exactly what she needed nor did she understand immediately afterwards how it had benefitted her.

How can you know you are buying a service like this if a funeral is defined by a bunch of items through a checklist and ultimately sold like a package to be compared on a price comparison site? Not once did this lady say that it was the coffin or the hearse, the flowers (the hardware) etc which gave her the solace she had needed. How can a service like this ever be explained in such beneficial terms through such a platform?

Even with a rating system of our service included – this lady would not have known that she would have needed the kind of service we provided, nor would she have understood exactly what it would mean to her in the months that followed.

Quality Regulation Remedies

Remedy selection

Do you agree with our proposal to focus quality regulation on the services provided by funeral directors or do you think we should also regulate the quality of services provided by crematoria operators? Please explain your answer.

Yes – we believe that quality of services by crematoria operators should also be included. We, might be separate organisations but in reality, we all work together to deliver a funeral. Bad service from a crematorium can reflect badly on us, even though we have no control over what they do.

We work with a number of different crematoria around the Birmingham area which range from different council run crematoria to privately run crematoria. All have differing approaches to delivering their services. We feel that there are a number of issues ranging from non-discretionary additional charges, staff training, support to the bereaved and overall costs which need looking at.

Do you agree with our proposal to focus quality regulation on back of house standards? Please explain your answer.

We agree that there should be some way to ensure that back of house standards are maintained to an acceptable standard for the appropriate level of care of the dead but also for the health and safety of employees.

Clear guidelines and codes of conduct are essential to communicate acceptable levels to all people in the funeral industry.

What are your views on the likely effectiveness and proportionality of the remedies outlined in this working paper in addressing our initial concerns?

“in relation to back of house quality standards, the evidence available suggests that many funeral directors provide an acceptable standard. However, there is a widespread view in the industry that some funeral directors do not.”

If the above paragraph (as stated in the paper) is true and the issue is only with some funeral directors – then the imposition of a strict licensing and regulatory body may be

disproportionate to the issue in hand. It would seem based on this evidence that any remedy should focus more around a system of self-registration and self-assessment.

Are there any other potential remedies that we have not considered in this working paper that may address our initial concerns (as set out in our working paper on the quality of back of house funeral director services)? Please explain what those remedies are and why they would be more effective than, or suitable in addition to, our proposed remedies.

We believe that consumer education and empowerment is key to helping resolve this issue.

Too often the work of a funeral director is hidden behind closed doors – or round the back of the building. It's easy under these circumstances to not consider the aspect of the funeral directors' work that you do not see. Some people would say that people do not want to consider this aspect either, all too often we're told death is a taboo. Over the last 6 years we've worked hard to give greater transparency to what we do. At our premises – all our guests, live or dead, pass in and out the front door and we actively show people our mortuary space – we are keen to take away the fear and mystery of what goes on in these spaces, and people have reacted positively to our efforts.

For 5 years we have run a death festival (<https://brumyodo.org.uk/>) with other volunteers from hospitals, hospices and art backgrounds – these are activities which help to prepare people with conversations ahead of time about death and dying – and they have reacted positively and gratefully for being given the opportunity to talk and ask questions.

The success of the Death Cafe movement globally is evidence enough, that given the time and the opportunity, people want to find out more.

We have been into schools that recognise the need to educate their students about death and dying, to deliver lessons and art projects. We strongly believe that 'Death' should be on the national curriculum.

All these conversations include what you should expect from a funeral director, the questions you should be asking as well as the choices you have.

A key remedy therefore is a programme of consumer education, from schools through to other aspects of life – leaflets and an online platform which promotes conversation and questions, which explains what standards and service people should expect, it should contain real life stories from people who have had good and bad experiences and why they believe those situations arose (in video and written format)

It should contain guideline prices and fees not only for funeral directors but also the other elements such as crematoria, cemeteries, vicars and celebrants. It should explain these differ around the country and that costs may differ also depending on the type of service / support you need from your funeral director.

It should explain that a funeral can be whatever you need it to be and doesn't have to take the shape of one hearse and two limos.... Etc. That a funeral doesn't have to take place at a crematorium or church – nor does the person's body have to be present.

This information should not only be shared with hospitals, GP surgeries and registration offices but schools, churches, mosques and other community groups to disseminate and discuss.

The more people talk about it, the more others will feel comfortable talking about it, and the more people will understand what questions to ask the less vulnerable people will feel – gaining in confidence to put what might seem like difficult questions to the funeral directors.

We do not believe that the government needs to produce a price comparison site within this remedy - see below in the transparency section for our detailed response on this.

Would a predominantly outcomes-based or a rules-based regulatory model (see paragraphs 39 to 40) be more appropriate for monitoring and upholding the back of house standards of funeral directors? Please explain your answer.

If it is decided that a regulatory model is required then it should be an outcomes-based model for all the reasons outlined in the paper.

The concern we have with any type of regulatory system is, that by pre-defining what's expected, that it sets pre-conceptions about what therefore is acceptable and what is not, and then does not actually help the people it is meant to protect.

If you look at what has happened in America – the regulations are so tightly controlled that the people no longer have the choice about what they do with their dead.

There is a prescriptive system of licensing across many of the US states including in some states a legal requirement to use a licensed funeral professional – this has led to a system which can prevent the bereaved from being able to care for their own dead, and to make choices that are right for them. We have plenty of evidence of where this is an issue if you would like to contact us to discuss further.

Which of the services provided by funeral directors should be included under the scope of any quality regulatory regime, including statutory minimum standards, and why? We are particularly interested in your views on the regulatory standards set out in Table 1 and the following specific issues:

If It is decided that regulation is required for back of house services we believe that:

Collection and Transport of the deceased

Care, storage and preparation of the deceased

Premises, facilities and equipment

Education and training

Governance processes and procedures

Complaint handling and customer redress

We agree that all of the above areas should fall within a quality regulatory regime. If by minimum statutory standards, it means that anyone could be prosecuted for failing to apply these standards – we do not believe prosecution for the failure of any of these standards would be in the public's best interests – we do however believe that fair and proportionate penalties could be applied where these standards are not maintained.

(a) Is refrigeration necessary for the appropriate care of the deceased?

Yes we believe refrigeration is essential. We took a little longer to obtain our own premises because we wanted to ensure that we put everything in place that was needed. Refrigeration is one of these areas of requirement. Since we do not believe that embalming is essential refrigeration is a must.

The refrigeration need not be on your own premises though – as long as the bereaved know where you look after the people who have died, and those premises are subject to the appropriate standards this shouldn't be an issue.

(b) Is the ratio of one refrigeration space for every 50 deceased persons taken into the care of the funeral director on average per year (as proposed in the draft Code of Practice for Funeral Directors in Scotland) an appropriate ratio? If not, what is?

No – this ratio is ludicrous.

Our estimates are that it should be nearer 8-10:100

We have quieter times where this seems unnecessary but is absolutely essential in the busier periods.

If only 4-5 spaces are available we would advise that contingency arrangements elsewhere should be in place and families should also be made aware of this.

(b) Is it appropriate to require that each deceased must be stored individually in separate compartments within the unit (as proposed in the draft Code of Practice for Funeral Directors in Scotland)?

Of course this would be the ideal scenario – if however there is a period of unprecedented deaths – would it really be an issue if a bariatric tray is used and two smaller people are placed at a comfortable distance apart on that tray?

If this became common practice then action should be taken immediately to increase the refrigeration capacity.

On no account should people be placed on top of each other on individual trays.

Some discretion based on the situation needs to be allowed, but the bereaved should always be told of the situation.

(d) Should training and/or education be mandatory? Please explain your answer. In the event that training and/or education was made mandatory, please comment on:

An element of training such as those prescribed by law (Health and safety, employment law etc) should be mandatory.

Training such as how the funeral director chooses to carry out its funeral services in accordance with its own culture and values should be left to the funeral director to decide and apply. HOW a service is carried out should be left to the business owner to decide but should take into account any official codes of conduct – staff should always receive this training.

(i) Which members of staff require formal education and to what level (ie A Levels (or equivalent) or a degree or professional qualification) and to what extent can formal education be substituted by experience or other forms of training?

Business owners aside, we do not believe that members of staff need to have had formal education. They need to display evidence of sensitivity, intuition and other relevant characteristics. They need to be keen to learn and understand the importance of standards of care for both the dead and the living.

ii) Is it necessary to create a nationally accredited professional education programme or allow funeral directors to choose from the currently available qualifications?

Current training programmes should be assessed and updated for relevance.

There should be plenty of courses available which are non-funeral director specific which relate to standard legal obligations.

Organisations such as Cruse bereavement who are experienced in grief training already provide recognised courses.

Organisations such as Green Fuse also provide courses such a care of the body.

(iii) Should there be a number of specified hours of training, and any other form of CPD, that staff should be required to complete each year, or should staff or their employers self-assess their professional development needs?

NHS staff are required to complete regular supervision sessions in order to ensure their mental health as 'grief workers' is considered. There currently is no requirement for this within the funeral industry. Funeral staff frequently are present in highly emotional scenarios, whether it is collecting the body of a person who has died in tragic / horrific circumstances through to supporting bereaved people in highly emotional states of mind. Employers should be able to access regular government funded or discounted supervision sessions to ensure the health of themselves and their employees.

This should be supported by government since funeral directors do valuable work in supporting the mental health of bereaved people on behalf of society as a whole, and it should not impact the cost base to the extent that the bereaved will see increased costs.

In terms of required training – employers should ensure their staff are trained on the minimum legal requirements (HSE etc) but then should be able to self-assess their own professional development needs

(iv) Are there any other requirements that should be imposed on staff, owners and controllers of funeral directors to ensure their technical and professional competence (eg age, conduct or experience restrictions)?

Age and experience should not be a bar to completing the work within a funeral director. Conduct should be left to the employer to manage in line with general agreed codes of practice / conduct.

(e) Is there a need to establish an independent ADR scheme and/or complaints adjudicator in addition to the funeral directors' own complaint handling and customer redress?

It would be advisable to see the impact of any regulatory requirements on the level and type of complaints before committing to setting up any kind of scheme.

Who is best placed to monitor and enforce compliance with quality regulation?

(a) Is a single UK-wide body or a different body in each part of the UK more appropriate, and how should either arrangement take account of the emerging regulatory regime in Scotland? Please explain your answer.

If monitoring of compliance is required it should not be the trade associations – they should be there to support their members and help them achieve compliance.

(b) What role, if any, should the existing trade associations (ie NAFD and SAIF) and other relevant organisations, such as the Good Funeral Guide, play in relation to the quality regulatory regime? Please explain your answer.

As above – they should not have any role in monitoring or enforcing – their role should be in helping their members understand what is required and supporting them in achieving compliance, or representing them where they feel their actions are justified.

The Good Funeral Guide could be well placed to help educate the consumer.

Should a licensing and inspection regime (see paragraphs 52 to 73) apply to individuals or businesses or both, and why? If both, what should be the respective obligations of individuals and businesses?

We do not believe that licensing is relevant.

If it is decided that a licensing scheme should apply, we believe that it should apply at a branch level – not ‘business’ because that would enable the multi-site operators to evade any direct action if required. But we do not believe that individuals should be licenced – Ultimately this is not a profession to the extent that it requires degree level knowledge – we are not independent financial advisors or lawyers subject to the everchanging financial market regulations or court rulings. Our actions and advice do not carry a high risk of death or serious financial ruin.

As stated in our response regarding training requirements, we do not believe that individuals need specific professional qualifications. Certainly nothing that is out there in the market at the moment persuades us that it gives an individual anything near the kind of skill or expertise that defines a profession. Training yes – but that is an entirely different matter.

If for example a funeral director was to be educated in psychotherapy principles – this may be a different argument. Bereavement training does not amount to the same level of expertise.

What considerations should be taken into account when designing any quality regulatory regime to enable providers of all sizes to comply with that regime, and without deterring innovation, entry and expansion?

We agree with the report that any quality regulatory regime should be an outcomes-based principles approach. This will help to ensure that businesses of any size can apply a solution which is appropriate and proportionate to the size and scale of the business they operate. This would help to ensure that solutions can be applied which are not overly expensive or burdensome to the smaller and newer entrants into the market place.

We would like to think that the scope of any regulatory body is also tightly controlled so as not to encourage ‘scope creep’ any proposed changes to their activities should go through a complete approval process.

We are not convinced that un-announced inspections would work – as a small operator we are not always present on the premises and operate an appointment only system. If inspectors were to turn up unannounced they could be very disappointed. Equally they could arrive just as we are heading out the door to meet families or attend funerals – it simply wouldn't be feasible to drop our obligations to our families in order to be present for an inspection.

(a) What would be the likely costs of quality regulation to funeral directors? This includes the costs of implementing any changes necessary to comply with the regulation and the costs of demonstrating ongoing compliance with the regime.

This is entirely dependent upon the starting point of each funeral director.

For us we believe our main challenge may be with demonstrating ongoing compliance in terms of the time it takes to put required documentation together and demonstrate compliance for any self-assessment or inspection. This also depends on the way in which compliance is expected to be reported.

For others the cost could be high depending on the level of changes they need to make to equipment, premises and or staffing.

(b) What would be the likely costs of implementing and running the regime and how should this be funded?

We do not know. This question is not well enough defined.

Are there any elements of quality that require immediate attention prior to the establishment of a quality regulatory regime?

Clear communication of expected standards

Do you think we should tailor any aspects of quality regulation to reflect any differences in funeral service provision (and the current statutory regimes) across England, Wales, Northern Ireland and Scotland?

If the approach is flexible enough to ensure that any business whatever the size can adopt solutions appropriate to their own size and scale then we can't think of any aspects which require different requirements across the different parts of the UK.

One concern we may have is whether sufficient deliberation has been given to the needs of different faith or ethnic groups and cultures.

What information on the quality of services provided by funeral directors should be collected and disseminated to customers to enable them to assess and compare funeral directors?

Health and safety adherence to legal requirements, refrigeration facilities and location

We note towards the end of the quality regulation paper that various ideas are mentioned in relation to monitoring of front of house standards (whiles the summary indicates focus on back of house standards) – we have found this confusing therefore. We also note consideration of KPIs and rating systems – we’re not entirely sure what the outcome of your thoughts are here – and we can’t seem to find an appropriate invitation to respond in relation to those points: We would therefore like to make some comment:

Your own reports say that customers generally are happy with the service they receive from funeral directors - a willingness to recommend however does not accurately convey the complexity of people’s needs at a time like this and an official rating is likely to be taken as a given that one funeral director provides exactly the same service as another and this will never be true.

A food hygiene rating system makes complete sense - if food is not prepared hygienically people will become sick and may even die. Rating a service like the funeral industry which delivers different things to different people is a completely different concept - one person’s needs are completely different from another - so a rating of excellent from someone who only needs a basic service could be perceived completely differently by someone who has more complex needs and who needs more support.

Information and Transparency remedies

This paper discussed in a fair amount of details the provision of a price comparison platform but our views do not seem to be specifically invited on it. We would like to put forward our thoughts on this price comparison platform as it has been described in the paper:

It is our view that the cost to develop and maintain a price comparison platform is hugely disproportionate to any benefit that it might confer - In fact we feel it may do more damage than good to both bereaved families and funeral businesses.

We list our concerns below:

1. We have experience in building digital platforms and maintaining technology such as this in previous career choices - we believe that the time, effort and cost to build and maintain such a platform will vastly outweigh any benefit it might confer
2. The cost to build and maintain the information is likely to end up being placed at the door of the funeral director. This cost will be both monetary and time based - ultimately will increase the costs unnecessarily for the bereaved.
3. There have been a few of these price comparison sites which have been built over the last few years. It is telling that where people have come to us having input information into them, that they have ultimately chosen very different services from what they input into their computers at the outset.
4. It will be a huge challenge to standardise funeral services to the extent that they can be easily compared - for example - you may select a 'standard' hearse but one company's standard hearse may be a traditional black hearse, whilst another company's might be white and electric. We even ask families if they wish to use their own transport. In fact there could be so many variations that the whole process becomes overly complicated and ultimately stops funeral directors from offering choice because it won't 'fit' the platform. Resulting impact – people don't get a funeral that suits their needs.
5. The creation of a checklist of options such as is being proposed has huge implications:
 1. That funerals will ultimately be seen as purely functional activities based on hardware and pre-defined rules to be bought and lived through - and not the empowering, grief enabling processes that they can be.
 2. The very fact that certain items are included in a list suggest that those are the only acceptable options - meaning choice, creativity and personalisation is taken away from the bereaved
 3. That the valuable service that funeral directors themselves offer is lost - if you give people a checklist you do not provide them with the space to discuss and question the options they are looking at - to understand whether actually other options will help them achieve what they need more effectively - after all a checklist does not ask you whether you need more than 30 minutes in a crematorium (nor would it help you work out the answer to that question) it does not ask you what you don't want to happen (I don't want people to stare at me as I arrive in a big black car,) it doesn't ask you what was good or bad about funerals you've attended in the past. It doesn't offer suggestions appropriate to the concerns that you have - because it simply doesn't know them.
 4. That in fact the tool makes people feel more disempowered because it can't answer the questions that they really have, and it can't tell them the answers to the questions they don't know they need answering.

We also feel that recommendation of such a platform completely disregards the willingness, frame of mind and inclination of a person who is bereaved to even want to use such a tool.

Time after time bereaved people tell us that they can't concentrate or remember things that they normally can. Simple tasks are really hard, let alone accessing an online tool they've never used before and being confronted with question choices against which they have no or little context.

It also assumes that everyone has access to and understanding of how to use the Internet - we have numerous people who come to us who still don't actively use the internet "There's no point in putting a webpage up - our friends don't use the internet"

In fact we would like to ask the question of how likely is it that the people who have access and knowledge of such tools are mostly people who are more than capable of doing their own research already, and are not necessarily within the main group of people that this work is intended to protect?

Please don't misinterpret our stance towards the platform as being in anyway trying to make things difficult for consumers – we set our business up in 2014 because we believed that there wasn't sufficient choice or awareness of those choices, nor was there visibility of the costs associated with funerals. We placed our price list on our website from day one and actively raise the question of cost on every occasion before people commit to our services.

Our concern is that arranging a funeral is more complex than most people appreciate – saying goodbye to someone is more complex than simply ticking items off a standardized checklist -grieving successfully can have a profound effect on a person's mental health which in turn has wider implications for society – a funeral, and particularly the time between death and funeral can have a huge impact on how grief is managed. We truly believe that reducing a funeral to a simple checklist of hardware, without the insightful conversations around those items will stifle innovation and disempower the people it is intended to protect.

International Comparisons

The paper references the way in which funerals are carried out in France - the way in which standardised quotes are produced without difficulty as well as other comparisons with the way in which funerals are conducted in France.

It is interesting for us to note however, that last year we carried out a funeral for an English gentleman whose daughter was French. She was our main contact in arranging the funeral and was simply blown away by the level of choice and flexibility we were able to provide, and the positive impact that it had on her process of grieving. She has since returned to France to train as a funeral director, wishing to offer the kind of service that we offer - but is struggling to do so under the restrictions being imposed. Her ability to innovate is seriously impaired.

Solicitors and Care Homes

The CMA reports talk a great deal about codes of conduct and minimum standards for solicitors, and care homes and it would seem to us that these would be fair industries to look at in this regard. The products and services they provide can have longer term implications than simply settling a dispute 'in the moment', or providing basic shelter and nourishment for someone who cannot look after themselves. Ensuring that these industries

therefore act in the appropriate manner is essential to the management of such industries. With the potential impact of grief on long term mental health, and the transient state of vulnerability that grief induces, then it's fair to compare the funeral industry to these industries.

However – as far as we can see none of these organisations are subject to price comparison enforcement. Fees when it comes to solicitors and care homes can be exorbitant – we can only assume that such comparisons are deemed to be too complex to be made because of the level of service element which makes up these fees.

In respect of Care Homes we can see there is a website that provides information about each care home, their CQC ratings and Food hygiene ratings – but no price information. It was also quite difficult to find.

<https://www.gov.uk/government/news/government-launches-care-comparison-website>

<https://www.which.co.uk/later-life-care/care-services-directory>

In relation to law firms – we understand that they are obliged to put costings on their websites which are illustrative, plus hourly charge out rates – they cannot provide too much detail as each 'job' is different and advice needed varies. They have to discuss fees in the first meeting, outline likely costs and follow up in writing.

The government website publishes guideline rates for solicitors – but solicitors are not required to follow them. (They were also published in 2010)

<https://www.gov.uk/guidance/solicitors-guideline-hourly-rates>

The issue as we see it is that many people do just think that a funeral is a simple list of items to be purchased and added together – but this is only because this is what the funeral industry has become, and offered to people, over the last 50-80 years, coupled with this idea of death being a taboo and that it shouldn't be discussed or questioned. There is a huge movement growing however which recognizes the importance of mental health in these situations and the need for choice and empowerment, time and space to understand the impact of death on us as individuals, and the need to process this in the right way.

Over the last 6 years we have arranged nearly 500 funerals. We have never treated a single funeral as if it is a checklist of items – we have always asked what is important and what's not important – it is a two-way conversation which helps people navigate their way through their decision making.

Creating a platform which pre-supposes what someone might need as part of a funeral and offers up a list of items to be checked off and chosen, creates an illusion of what a funeral is and should do. It re-enforces an outdated business model and will stifle creativity.

So what **IS** the remedy for this?

We feel a better remedy would be to create a platform which can explain and illustrate how funeral costs may be compiled, perhaps provide illustrative costs from around the country, the impact of disbursements etc. In short a more educational tool which helps the person to start to think about the things they might need, without leading them down a path of actual decision making, which leaves questions unanswered and which is unsupported by expert knowledge.

The information should also include the kinds of questions they should be asking of the funeral directors including that they should ask for a no obligation price list prior to any conversation if required.

This information can also be provided to people in other formats thereby not discriminating against people who do not have full and comprehensive access of the internet.

We believe that we should empower people with information – and trust that with the right information they can make the right decisions for themselves.

We believe that the above remedy would help to satisfy the CMA's need to provide a remedy which is substantial but not onerous to maintain; which is not disproportionate to the challenges and issues identified and importantly which does not run the risk of becoming the "HS2 of the funeral Industry". (In reference to Paragraphs 25 and 26 of the Quality Regulation Remedy Paper)

We welcome views from parties on the remedies described below, and the relative attractiveness of the different approaches to achieving their aims. We invite parties' views on the following:

- (a) What are the expected costs to funeral directors and/or crematoria of implementing the remedy and reporting compliance?*
- (b) How should compliance with the remedy be demonstrated and how should this be supervised by the relevant bodies?*
- (c) Should any remedies be time-limited? If so, why?*
- (d) Should we consider a firm size threshold for any of the remedies discussed here? And if so, what should that threshold be, and why?*

These questions are not sufficiently clear in what they relate to.

(e) Are there any relevant customer benefits in either market that may be lost or reduced by the implementation of these measures and that we should consider as part of our assessment of any remedy package?

Please see our comments above

(f) Are there any other remedies that may equally or more effectively improve the availability and transparency of information to consumers?

Please see our comments above

Remedy 1 – Price transparency and comparability

There are several options (or combinations of options) that could achieve the objectives listed above that we think are worth exploring in more detail. We could, for example, require funeral directors and crematoria operators to:

(a) make their prices available online, over the telephone, or in branch (ie before the arrangement meeting with a potential customer).

(b) provide prices to potential customers at their first point of contact (whether in branch, over the telephone or online) rather than upon request by the customer.

(c) adopt the same price reporting template whether they sell directly to customers (whether in branch, over the telephone or online) or through a third-party platform.

(d) provide disaggregated pricing and service information, such as:

(i) specific component prices (eg car, collection, transport and storage of the deceased, coffin, embalming, etc) or a package of specific components (eg those components that could be mandatory); and

(ii) disbursement costs (eg celebrant, flowers, etc), in order to convey typical total costs (even when these disbursements are nil, such as for ministers belonging to the Church of Scotland), including information and general advice on a typical range of disbursements.

(e) offer the same price across all of their sales channels; and

(f) facilitating all of the above by, for instance, establishing an independent platform that could allow customers to compare providers and build their own funeral package by selecting individual elements. We discuss this part of the remedy in more detail below.

Invitation to comment on Remedy 1

We invite views on the following questions:

(a) How can we best facilitate shopping around and increase customer awareness of total funeral costs and local price differentials?

(b) How can we enable better comparison of funeral directors' prices and quality of services?

(c) How can we better prepare the customer for the arrangement meeting and make them aware of all the options offered by the funeral director, including low-cost options?

We believe that a nationwide consumer education programme as we described in the section above, coupled with the requirement for Funeral Directors to publish price lists will be the most proportionate, cost efficient and socially responsible response.

This should also be done in conjunction with the adoption of a standard code of conduct for funeral directors.

Our view is that we are currently in a period of transition where people are more open to talking about death, where general consumer habits mean that people are used to demanding more and also are used to expecting more personalised service. The most powerful solution would be to put information in their hands from which to draw their own conclusions – empower them to ask the questions that are important to them rather than disempowering them by funnelling people down pre-defined routes.

(d) How can we give customers a clearer idea of the final cost (early on in the process of choosing a funeral director and before the arrangement meeting)?

Provide a platform and alternative communication channels which help people to understand the costs of a funeral. Not one which does all the calculation for them, but one which explains how the cost of a funeral might be put together, and what they need to consider.

Provide information on average costs for fees, disbursements etc and give them examples of the kinds of questions they should ask, and those they might want to ask.

Make people aware that they do not have to commit to a funeral director without having sight of an estimate – and that they can walk away if they are not provided with any costs at the outset (that they can also report the FD) or if those costs do not work for them and no costs have been incurred upto that point.

Make sure they know they can ask for a price list without any obligation.

(e) How can we make the platform most useful for customers how can we ensure that it is used by as many customers as possible?

See our thoughts as outlined above in the Quality Regulation Remedy question

(f) Should funeral directors and crematoria operators be required to adopt a standardised methodology for presenting pricing and service data as an alternative to the platform?

It should be straightforward for crematoria to produce standardised pricing and service information.

It is not as simple for funeral directors to produce standardised lists – if you produce a standardised list you will end up with standardised services and the people who will suffer will be the people who are being protected.

(g) Should crematoria availability be incorporated into the platform?

It might be a good idea to include the ability to view availability of crematoria slots but we don't think that if people are going to use a funeral director that they should be able to book the slots themselves. Sometimes a funeral can be a vast logistical puzzle – it needs a project manager just as any other event would need to be organised – if the family has booked a slot and then finds out that the celebrant or the horse and carriage they want isn't available then we could end up with a scenario where slots look like they're booked but aren't really. Equally if families book slots and then find out that the person's body isn't available for release in time this could cause undue stress. Part of our role as Undertakers is to put the constituent parts of this puzzle together in a timely and organised manner.

(h) What will be the likely costs of this remedy?

Tying in the vast array of platforms used across the country by crematoria to deliver updated API information to another platform could be very costly. Links to those platforms could be provided in the main platform but most crematoria online booking systems are available only via passwords. The crematoria would have to give access without passwords to those parts of their systems.

(i) Will this remedy give rise to any potential unintended consequences?

See our response to part G

Remedy 2 – Intermediaries to (more effectively) inform customers of their options and encourage shopping around

The CMA could develop guidance or ask a third party, such as the Care Quality Commission (CQC), to develop guidance to support intermediaries in their discussions with the bereaved about funeral planning. These discussions could take place when an individual enters a care home or hospice, or when death is anticipated or has just occurred. The guidance could include the following information:

- (a) Explaining to the bereaved that they can change funeral director after the deceased has been collected from the place of death and that they are not obliged to remain with the funeral director that collected the deceased.*
- (b) A checklist of questions that customers may wish to ask the funeral director.*
- (c) Funeral directors and crematoria in the local area (and possibly their prices).*
- (d) Information on the platform.*

Invitation to comment on this remedy

We invite views on the following questions:

- (a) Are there intermediaries other than the CQC who provide, or are well placed to provide, information on funeral planning to those close to death or to the bereaved?*

We find that there are a number of community groups such as Quaker Meeting Groups, Church community groups, University of the First Age, Age UK, Women's Institute, schools etc who are always keen to provide information besides the more obvious health professionals at GP surgeries, hospices, nursing homes etc.

Delivering this kind of information through groups that are not directly medical related but are respected within their communities mean that information is likely to be taken on board before a situation of need.

- (b) Are other ways in which funeral directors and crematoria operators can raise awareness of the platform other than providing information on their websites and promotional material and discussing the platform at the arrangement meeting?*

See above

- (c) Are there alternatives to raising awareness of the platform to general advertising and the use of intermediaries?*

Placing information in GP surgeries, pharmacies, hospitals, care homes and hospices are good methods. Sharing with networks such as the Death Café and Hospice UK

- (d) What are the likely costs of this remedy?*

- (e) Will this remedy give rise to any potential unintended consequences?*

Remedy 3 – Funeral planning awareness before the point of need

The CMA could recommend to Government to invest in and run media campaigns and produce literature about funeral planning, as well as raising awareness of the platform described under Remedy 1.

The CMA could also recommend that local authorities, specifically those individuals or teams responsible for bereavement services, raise awareness about funeral planning on their website and through wider outreach work in their local areas. The CMA could also work with the Citizens' Advice Bureau and other similar organisations to develop information and guidance on funeral planning.

Invitation to comment on this remedy

We invite views on the following questions:

(a) Are there particular circumstances prior to the point of need at which consumers are likely to be receptive to the idea of preparing for their funeral or that of a loved one?

We have not found there to be any one particular situation which means people are more likely to be receptive to pre-planning a funeral. Perhaps the most obvious would be where a close friend or relative has died or has received a terminal diagnosis and it makes people think about their own mortality.

Most people who come to us to talk about their funeral wishes are older – but where we go out and actively talk to people in the community we find we can be talking to people of all ages.

Soap opera storylines, and books and films seem to be an effective way of changing consumer behaviour.

(b) What interventions (if any) are likely to encourage funeral planning and how might they be delivered?

(c) Should this remedy target particular types of consumers?

(d) What are the likely costs of the remedy?

(e) Will this remedy give rise to any potential unintended consequences?

Remedy 4 – Mandatory 'reflection period'

We could require funeral directors to allow customers a 'reflection period', which could take place either before or after the customer signs the contract with their chosen funeral director. We could also require funeral directors to allow customers to choose a different provider or different services from the same provider at minimal or no additional cost.

Customers do not currently have the same statutory cancellation rights for an 'on-premises contract', such as when a contract is concluded in the funeral directors' office.

The potential 'reflection' period remedy could take one of the following forms:

(a) impose a mandatory pause or 'reflection' period between an arrangement meeting on-premises and before signing any contract; or

(b) have cancellation rights for on-premise contracts in line with the cancellation rights for off-premise and distance contracts described above.

Invitation to comment on this remedy

We invite views on the following questions:

(a) Is a 'reflection period' an effective mechanism for encouraging customers to ensure that they choose a funeral director that best meets their needs?

We're not convinced that a mandatory reflection period is an effective mechanism – where people come to us and we feel that they just aren't ready to make any clear decisions we tend to talk them through the options, give them a rough estimate of the costs (an exact estimate is usually not possible at this stage because they may be mulling over 2-3 different options with any number of combinations within) and then send them away suggesting they think about what we've discussed and talk it over with friends and family – we do not ask them to sign anything or commit them to us at this point. We believe this is the appropriate way to manage this situation – through a code of conduct.

Imposing a mandatory pause will not work for some people who need to arrange the funeral as quickly as possible due to family travel commitments for example – or for those people who have thought and planned this in advance – a mandatory pause would only serve to lengthen what can already be seen as an overly lengthy, painful and drawn out process.

Nor will it work for many religious communities.

All contracts should have cancellation rights but due to the nature of a funeral and the speed with which it needs to be arranged it may be necessary to re-coup some of the costs which will have been incurred during that period. Unfortunately due to the nature of a funeral it may be that the majority of the work is done in those initial stages.

(b) If so, when should this "reflection period take place?

(i) After getting information on funeral options from a funeral director on its premises and before signing the contract?

(ii) after signing the contract in an arrangement meeting but having cancellation rights for a certain period of time afterwards? or

(iii) another suitable time?

(c) What are the likely costs of this remedy?

(d) Will this remedy give rise to any potential unintended consequences?

See our thoughts in part a above

Remedy 5 – Potential cap on the level of charges incurred for the collection, transportation and storage of the deceased

Invitation to comment on this remedy

To reduce this potential barrier to switching, we could set a cap on the level of charges that a funeral director can levy for the collection, transportation and storage of the deceased to recover the costs that the funeral director has incurred prior to the

customer switching to an alternative funeral director (or the costs incurred if the customer chooses not to switch). We envisage that such a cap could apply to all funeral directors (and not a subset of funeral directors) to ensure that this possible barrier to switching is addressed across the whole sector.

We invite views on the following questions:

(a) Will the imposition of a cap on the collection, transportation and storage of the deceased encourage more customers to switch funeral directors after having reflected on their original choice of funeral director?

If people understand that the price charged for collection by any funeral director would have been the same, then this may help – but the reality of the situations we've been in have been that families have been so determined that they needed to change the funeral director that actually they would just pay anything to change in order to get the overall service they want.

We're not convinced that the charge itself is so much of a bar to changing funeral directors as the fact that a funeral director is already 'in possession' of their person. Bereaved people do not always have the energy or confidence to tell someone that they do not want their service when they feel they are already indebted in some way. (In this case – the person has already been collected) Particularly if they do not know that they could get a very different service elsewhere. Knowledge and awareness of funeral services and their options in advance could help to manage this kind of situation.

As it stands – we actually believe there should be a cap on these costs simply because we believe some companies charge too much.

(b) How should the cap be calculated?

This is a difficult question – we have an out of hours charge of £195 – it has been the same for 6 years. We would apply this same charge for any collection and storage if a family chose to go to another company rather than use ourselves. We wouldn't penalise them by adding anything additional on simply because they then chose someone else rather than us. Other companies charge £350. We feel this is too much, but then we don't know their individual costs.

(i) Should the charge for collection and transport reflect the distance covered by the funeral director or represent an average cost?

We believe there should be a standard charge for collections within a certain radius – any additional miles should be charged at an appropriate cost per mile. Where a collection really is long distance and may take an entire day consideration also needs to be given to the extra time taken to do so.

This should always be communicated to the bereaved at the outset.

(ii) Should there a daily charge for the storage of the deceased or an average charge for storage, which reflects the average length of time that the deceased is typically stored?

This is difficult – we don't believe charges per day for storage should be made – it should probably reflect an average time that someone is stored.

If the second funeral director fails to collect the person in an acceptable timeframe once an agreement to move the person has been made, they should probably be responsible for paying an additional charge to the first funeral director. This charge should NOT be passed onto the family.

(c) Are there other approaches to setting a potential cap on charges levied by funeral directors for the collection, transportation and storage of the deceased (other than cost-based approaches) that the CMA should consider?

The main issue that the CMA is trying to solve here is that of the instances where people are rushed into making a decision about a funeral director because someone has died at home, in a care home or in a hospice, and a funeral director is called out without proper consideration because of the 'panic' that ensues when someone dies.

Ideally where people are known to be terminally ill – then families should have had the conversation beforehand with the attending health professionals and should be encouraged to make those decisions before the person dies. We know that is not always possible – a person may die sooner than expected.

We would like to understand why the duty of care in a hospice or care home does not extend to taking care of that person and supporting their families after that person has died? Why are care/nursing homes not required to have at least a very basic cold or air conditioned room that will enable the families some time and space to make some enquiries instead of forcing the issue in the middle of the night or in a timeframe that is too close to the death of the person? We understand that nursing homes in Norway all have these spaces. Why does the care of that person abruptly stop at the point at which they have died?

(d) What are the likely costs of this remedy?

The cost to give up a room in a building and equip it to care temporarily for the dead. Or the cost of a 'flexmort' cold duvet to temporarily keep someone cool.

(e) Could this remedy give rise to any unintended consequences?

The requirement to do this might make care homes more focussed on helping families find the right funeral director in advance

The nursing homes may charge families for use of this space.

Remedy 6 – Managing conflicts of interest

We could impose prohibition of certain forms of payment, such as:

- (a) partnership agreements with hospices or care homes which involve direct referral payments when the hospice or care home facilitates an introduction to a funeral director business; and*
- (b) commissions to employees for upselling funeral packages*

Invitation to comment on this remedy

We invite views on the following questions:

- (a) Are there any other ways to eliminate conflicts of interest that may adversely impact the quality of service provided by funeral director to customers?*
- (b) Are there any other types of inducements or payments that should be captured by this remedy?*
- (c) What are the likely costs of this remedy?*

Remedy 7 – Disclosure of business ownership and other commercial relationships

The CMA could require funeral directors and crematoria operators to disclose their business ownership structure. This remedy could apply to branches that form part of a larger funeral director business, so that customers are aware of whether the funeral director is part of a larger business or is, instead, an independent business. This information could be disclosed on premises and websites and any other promotional material.

The CMA could also require funeral directors and crematoria to inform customers of any changes in ownership, such as when an independent funeral director is acquired by a larger multi-site operator, so that customers are aware of the current ownership structure.

The CMA could also require funeral directors to disclose when they recommend a crematorium that is owned by the same company as the funeral director business, in order to address the presence of vertical integration in the funerals sector.

Invitation to comment on this remedy

We invite views on the following questions:

- (a) What potential harm could the non-disclosure of business interests and other commercial relationship cause customers?*

That people are misled into believing that a company is something it isn't.

(b) What business relationships and other commercial relationships should be disclosed to customers?

Where a company is connected financially to another company its interests should be declared

(c) How should such interests and relationship be disclosed to customers?

On all forms of marketing material and information and verbally

(d) What are the likely costs of this remedy?

(e) Will this remedy give rise to any potential unintended consequences?