



27 February 2019

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## Remedy 1 - Price transparency and comparability

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

At Quaker Social Action we run the Fair Funerals pledge<sup>1</sup>, which is a free, voluntary commitment funeral directors can make to show they are committed to price transparency. In order to sign up to the pledge in its 2020 form, funeral directors must show that they meet its three requirements – to help people find funerals that are within their means; to be open about the price of their services, including third party costs; to be open about the amount of any deposit required, and when this and the final balance are due. The openness of the latter two must be carried out in initial conversations, price lists and on websites, including any online profile such as Facebook.

We set up the first version of the pledge in 2015 as our experience through our support service, Down to Earth, showed there was very little price transparency across the industry and that this made it difficult for people to shop around and to find as affordable options as possible. Seeing that transparency and affordability continues to be an issue, we have just re-launched the pledge this month with the above, increased requirements.

We are therefore naturally supportive of the CMA requiring funeral directors to display all their prices on their websites (this should also include other online profiles like Facebook), over the phone and in branch, which we suggest would need to include both in person and on price lists. However, we note the examples the CMA gives for disbursements that should be included are only “celebrant, flowers, etc” with no mention of cremation or burial fees. We believe that, as in our pledge, funeral directors should also be required to include local crematorium and cemetery costs and to make clear whether these are included in any overall prices. In addition, we are concerned that the CMA makes no mention of payment terms being provided, other than on the platform – as with the above, these should be required on websites, price lists and in conversations.

Terms of business, including the size of deposit; by when that and the balance have to be paid; and any available options for paying it, i.e. instalments and any associated interest, should all be discussed and written terms given from the outset so it is not subject to funeral directors' judgements on an individual's ability to pay. Any charges that might be added due to late payment should also be made clear. We have previously evidenced how lack of clarity on payment terms detrimentally affects the most financially vulnerable, creating enormous stress and even driving some to think about suicide (May 2019 submission - example 73). If terms are clear from the outset it may help customers avoid unmanageable debt. Debt collection procedures, including passing on a debt to a collection agency, or when legal action would be taken should also be made transparent from the outset. There should also be regulation on what wording funeral directors can use (verbally and written) about this to prevent them from simply frightening clients into paying.

All of this would better facilitate shopping around, as long as compliance with it is monitored and independently enforced in some form. We note, for example, that the NAFD code of conduct contains many transparency and

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<sup>1</sup> <https://fairfuneralscampaign.org.uk/>



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selling practice aspects (e.g. 3.2, 3.5, 3.6 & 5.4) and yet many of the examples we have previously given (plus examples 1-5) relate to these and are of funeral directors who are NAFD members.

Meanwhile the suggested platform, if well designed, managed and monitored, could go much further, as an addition for those who use the internet.

However, it is not truly possible for the platform to increase awareness of total funeral costs and local price differentials for all customers without burial fees being included in some form. Around 23% of funerals are burials and those customers also need to have this level of information. While cemetery fees have not been included in the scope of this investigation, we nonetheless urge the CMA to include them in the list of prices that funeral directors are required to provide on the platform. While we recognise that burial options can vary, so can crematoria options and yet these will be provided in full. At a minimum, funeral directors should be required to provide the cost of the cheapest single depth grave with exclusive right of burial at a local cemetery, plus interment and/or grave digging fees where relevant. It should be clearly stated what the listed fees cover and to which cemetery they apply.

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

It is generally very difficult to make a direct comparison between different funeral directors because they all present their prices and packages differently; what one company provides as a standard service within their professional fees often varies greatly to another. Requiring funeral directors to list their services in the same way would make this much easier.

Elements that we think should be easily comparable are as follows: collection, including restrictions such as distance and out of hours; funeral directors' services in making arrangements and dealing with paperwork; whether the customer can choose the funeral date and time or whether this will be decided at the convenience of the funeral director; storage; care of the deceased, including whether the deceased can be dressed in their own clothes; embalming; the two least expensive coffins the funeral director offers; viewing of the deceased; staff on the day; transportation of the deceased for the funeral or direct cremation; provision of a limousine; whether the customer can choose their own funeral route or if it will be direct to the crematorium; the return of ashes – how the customer gets them back and whether there is an extra charge.

We welcome the CMA's suggestion to include a ranking system on the platform, which we believe should include the ability to leave a written review to give some context to the stars/figures. This would give consumers more information about any positive or negative elements and therefore enable them to decide what level of importance to afford some rankings/reviews. Themes for ranking could include Quality, Cost, Flexibility, Customer Service and Transparency. To be effective it should definitely be prohibited for service providers to pay for rankings, but there must also be some kind of checks in place to verify rankings/reviews to try and ensure service providers cannot submit false ones, either to improve their own ranking or to discredit another provider.

We also suggest it could be beneficial to allow funeral directors to respond to the reviews, as is seen on TripAdvisor for example, as how a provider responds to customers' negative comments can also tell consumers a lot about that business and how they treat their customers.



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*(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?*

When we carry out training and workshops both with professionals and carers, it is noticeable how many people think that numerous aspects of a funeral are essential when they are not. Preparing customers for an arrangement meeting could come in part from a guide, as suggested by the CMA, which we believe should enable people to understand what the essential aspects are when carrying out a cremation or burial i.e. the cremation or burial fee and doctors' fees as required, and that all other elements are for them to choose or not as they wish, including whether or not to use a funeral director. The guide could also contain a list of suggested questions people might want to ask funeral directors and a standard glossary of terms so that customers do not feel bamboozled by terms they do not understand, such as embalming, and feel ashamed to ask. All of this would help consumers to enter an arrangement meeting with more of a sense of empowerment and control.

The information should be online on the Gov.uk and Money Advice Service websites and could take the form of a simple video or set of infographics for those less literate, but should also be a printed booklet as an independent and simple to understand guide, free from any marketing from the funeral industry. This booklet should be available in every funeral director's office but also in other places where people could be expected to seek information about organising a funeral; GP surgeries, registry offices, care homes, hospitals, hospices, local authority customer service centres, Citizens Advice, Advice Direct Scotland and Consumerline. Such a guide should be independent and not written by the industry. The guide could also be advertised on TV to raise awareness of its availability. As certain groups are particularly vulnerable, such as those on low incomes and certain religious groups where speed is key, perhaps guides could also be specifically targeted at them.

We note the CMA's reference in this paper to the requirement in France that all funeral directors "make price information available to the local authority". It could be beneficial if this were imposed in the UK and provided in a booklet in the council's customer service centre, as long as robust measures were in place to ensure information was kept up-to-date and accurate.

The proposed platform would help to make people aware of all the options offered by funeral directors, including low-cost options, for those who used it, but there are some important points to consider.

Some packages only serve certain crematoria or slot times (example 5a) so this would need to be taken into account when designing the platform in terms of displaying packages and available crematoria. And any restrictions, such as these, would definitely need to be made clear on funeral director listings.

If consumers were able to make their crematorium selection first there should be a message to inform them that choosing this first could restrict the funeral director packages, and therefore prices, available to them.

The platform will need to be easy to understand, so it will be important to use clear terminology, for example 'third party fees' may be more easily understood than 'disbursements'. However, even if using 'third party fees' it would still be beneficial to explain what this means. The glossary of terms mentioned above could also be provided on the platform.



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Requiring funeral directors to provide their full prices and local third party fees on their websites, price lists and in conversations, as discussed in other answers, would also help make people aware of all the options offered by funeral directors, including low-cost options.

*(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)?*

The platform would help to do this as long as it was widely and effectively advertised and utilised by a good percentage of the population.

On the page showing funeral director options there should be a clear message at top that cannot be missed explaining that not all prices displayed will include third party fees, such as the cremation fee.

After selecting your funeral director and crematorium, there should be the option to select whether or not the coroner has been involved in order to apply doctors' fees as appropriate. If this is included in the package that has been chosen this would be skipped or greyed out.

However, evidence collected by the CMA suggests that not many people seek information online in advance. While this would hopefully change over time if it was well advertised, it is reasonable to think it may take some time for this to change significantly. Therefore, given our experience and the CMA's findings about lack of price information given in phone calls for example, it is important the CMA also requires funeral directors to provide costs in other forms as discussed in answers 1a) and 1c).

*(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?*

We refer to our answer to question 1a) and our call on the CMA to ensure that cemetery fees are included in the platform in some form, even if it is as an example third party fee provided by funeral directors. While we recognise that around 77% of all funerals are cremations, the remaining 23% is still a considerable proportion and the bereaved people associated with them should not be disadvantaged. If the platform appears only to serve customers who are looking for a cremation then those who want a burial may not use it at all and thereby not benefit from its advantages, such as the ability to compare funeral directors easily. It could also lead to indirect discrimination against certain religious and cultural groups.

One way of helping to make clear that it could also be used by people opting for a burial would be that the first choice the consumer has to make relates to cremation or burial – for example, Cremation / Burial / Undecided or Either. Then, if someone selects Undecided/Either the first page that shows up should be the funeral director prices.

While we are strongly of the view that burial prices are included in some form, if they are not then, at an absolute minimum, if someone selects Burial or Undecided/Either, links should be provided to local cemetery webpages. It would also be vital the platform could be used solely for funeral director prices, and for it to be clear that this was the case.



## Response to the CMA's 'Information and transparency remedies' working paper

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Assuming that burial is given as a funeral type option as we have suggested, the total page should also tell you how much a cremation could cost in your area and give you the option to change your search to cremation.

It would be vital that robust processes were in place at the creation of the platform and during its operation to ensure that prices were always accurate. In order to help ensure this perhaps there could be some kind of sanctions applied if providers did not give accurate, updated prices within a reasonable, set period of time.

The platform would be most useful for consumers if all funeral directors were required to display their information on it, otherwise consumers would only have access in this easily comparable way to a portion of the market. It would also give all companies an online presence, which could be beneficial to those who don't have websites.

As well as providing links to companies' websites on their entry on the platform, links should also be provided where there is no website, but where they have another online profile, such as Facebook.

From our experience of running the Fair Funerals pledge, the platform should incorporate a map where you can see the funeral directors and crematoria in relation to your postcode, represented by a location 'pin'. Consumers should also be able to expand or reduce the distance searched from the postcode provided. It would also need to be designed in such a way that entering a postcode would show up relevant online providers as well e.g. those who serve the whole of the UK or large parts of it, e.g. England and Wales. We had to incorporate this ourselves when re-launching the Fair Funerals pledge.

Again, based on our experience, it will need to be easy to navigate and use, including having full functionality on a mobile device, with a proper mobile view version. Office for National Statistics (ONS) data shows that "in 2019, the most common type of device used to access the internet on the go was a mobile phone or smartphone at 79%".<sup>2</sup>

It should also be accessible by as many different demographics as possible, e.g. designed and tested for use with screen readers, and be available in Welsh in the way that the Gov.uk website is.

We suggest the CMA make use of intermediaries to communicate information about the platform to the bereaved, people with life-limiting conditions and the people close to them. We agree that a very important intermediary are registrars as the majority of people have to register a death before a funeral, but not everyone does, for example if the coroner is carrying out an investigation that means the full death certificate cannot be obtained for several months. In these circumstances the coroner may well send the next of kin an interim death certificate by post, bypassing the normal visit to the registrar. Therefore other intermediaries could include coroners, hospital bereavement offices, the Department for Work and Pensions bereavement line, local authority bereavement services, tenancy sustainment/support workers, social workers, GP surgeries, palliative care workers and the consumer advice services across the UK - Citizens Advice Bureau, Advice Direct Scotland and Consumerline.

The referral routes for people struggling with funeral costs who are referred to our helpline are a good indicator of the breadth of intermediaries with which people come into contact. Over the last three years (2017-2019), 40% of

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<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2019#over-8-out-of-10-adults-access-the-internet-on-the-go> [accessed 14<sup>th</sup> February 2020]



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our referrals have come from the DWP or other financial related agencies, 16% from health agencies, 15% self-refer or cannot remember who referred them, 9% from charities, 7% hospices, 6% funeral directors, 5% local authorities, 2% from other sources.

A link could be provided in the 'Arrange the funeral' section of 'What to do when someone dies' on the Gov.uk website and in the funeral information on the Money Advice Service website. It would also be beneficial for it to be provided on all local authority websites. Information about it could take the form of a simple video or set of infographics for those less literate. Bereavement Advice Centre and the National Bereavement Service also both have websites and helplines that could be beneficial for sharing information about the platform.

A public information campaign would also be a good way to reach as many people as possible.

*(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?*

No matter how widely the platform is advertised or communicated, there will always be some people who do not find out about it or are unable to access it, or at least not until it is too late. Besides the inevitable possibility that some people 'slip through the net' and are not made aware of it through any of the available channels, according to ONS data, 1 in 10 adults did not use the internet in 2018<sup>3</sup>. As a result, it is vital that, in addition to any kind of central platform, funeral directors and crematoria operators adopt a standardised methodology for presenting pricing and service data. And in turn, that these prices are then provided on their websites, over the telephone and in branch, both in person and on their price lists.

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

While crematoria availability could be useful, as long as it was accompanied by funeral director availability, we wonder how reliable both of these might be and overall favour not including it.

Both availabilities may have changed by the time the customer speaks with the funeral director and makes the arrangements, especially if they make a visit to the funeral home in person. This is even more likely to be the case if the funeral director requires a deposit in order to book the crematorium and the customer does not have easy access to, or simply does not have, that money as obtaining/raising it may take considerable time. We also note that people often can't make a decision about the funeral date on their own and the time taken to liaise with others could further impact on the continued availability of the initial slot selected. In the meantime, their initial slot choice may restrict the range of funeral directors they have to choose from. Given our experience shows that funeral director choice can result in a cost saving of over £1,000 (example 6), we would be concerned that availability information may overshadow the choice of funeral director.

In addition, our work with clients indicates that once a date and time is settled on it is very difficult and distressing for this to be changed, especially once this has been communicated to other people (example 7, 8, 9). However, in

<sup>3</sup> <https://inews.co.uk/news/technology/one-in-10-uk-adults-no-internet-access-90233> [accessed 12<sup>th</sup> February 2020]



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advance of this there is often more flexibility. Therefore, given our above comments, we would have concerns that providing crematoria availability might result in people fixing on a date and then finding themselves tied to it for emotional, psychological or family/societal pressure reasons despite it perhaps not being in their best interests financially.

We feel the most important crematoria information to include on the platform is the existence/location of different crematoria in the area, along with their full list of prices, slot lengths and number of people the chapel can hold. This would enable people to see their full options and to make decisions that take affordability into account.

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

We do not have the relevant expertise to comment on this question.

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

We are concerned that if the platform includes crematoria prices, but not burial prices that customers will not be able to make fully informed decisions when choosing the type of funeral they want. Without being able to view burial and cremation prices alongside each other a customer may make a choice only to discover that they cannot afford it. Funeral choices are not necessarily binary and some people initially want a burial, but then switch to a cremation once they find out how expensive a burial would be (example 10 – 14).

Regarding payment terms, we agree it is vitally important that funeral directors declare what their payment terms/options are on the platform, as well as on their websites, price lists and in conversations. However, we are concerned that this paper appears to accept the current situation whereby funeral directors have the right not to offer services to "customers that require state funding for the funeral".

We already witness quite a bit of distrust towards, and discrimination against, people claiming the Social Fund Funeral Expenses Payment (example 15 is just one of many incidences), including demanding a higher deposit (example 67) and simply refusing to provide services (example 77 – the latter two examples previously provided in our May 2019 response). If a funeral director's payment terms are that they require a deposit or the all the money upfront before a funeral takes place then those are their terms, but the source of funds someone uses to meet those terms (e.g. credit card, official and unofficial loans, own money, deceased's estate, DWP funds etc.) should not be relevant.

We are greatly concerned that if the status quo continues, combined with a central, sanctioned platform where funeral directors are able to opt not to list state funding as a means of payment, that discrimination against claimants will increase and we may see a replication of the 'No DSS' problems in the private rented sector. We call on the CMA to recommend that the government take action to prevent discrimination against benefits claimants, in the same way they have promised to do regarding landlords<sup>4</sup> so that we can reach a stage where companies will not

<sup>4</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-04/HCWS1374/> [accessed 12<sup>th</sup> February 2020]



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be allowed to make such a distinction. Without this, the market available to people claiming the Social Fund Funeral Expenses Payment, and its equivalents in Scotland and Northern Ireland, will continue to be reduced and may become more so, disadvantaging them further when they are already disproportionately affected by funeral costs.

In addition, if the term 'state funding' is used with no further specifics it could be unclear to what this refers i.e. we see many people using some or all of their Bereavement Support Payment, which is also 'state funding', to pay for the funeral of their spouse/civil partner.

We also take the opportunity to reflect that various aspects of the statutory funeral payments have a noticeable impact on funeral directors' attitudes towards claimants. For example, the complex eligibility criteria of the Social Fund Funeral Expenses Payment, which results in a high number of applications being rejected; the significant delays to processing applications, often taking at least 4 weeks, sometimes as much as 8 weeks and the inadequate amount that all of them award. Therefore, we would welcome the CMA also recommending that the government takes action on these issues.

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

*(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?*

The CQC are well placed to provide this information as a central body that covers a wide range of services related to end of life. However, we are aware they only cover services in England and therefore the corresponding bodies in Northern Ireland – the Regulation and Quality Improvement Authority (RQIA), Wales - The Care and Social Services Inspectorate Wales (CSSIW) and Scotland - The Care Inspectorate, should also be included equally. We also note there are a number of services that the CQC don't regulate, as may be the case with their counterparts in the rest of the UK, which could also be helpful sources of information and guidance for some people. For example, sheltered housing is not covered by the CQC unless it is an extra care scheme with an onsite care team. Therefore perhaps the Regulator of Social Housing, and its equivalents in the rest of the UK, could also provide guidance around funeral planning discussions.

In addition to these regulatory bodies, valuable supplementary intermediaries could include charities like Victim Support or those that support people with life-limiting conditions and the people close to them, such as carer centres, the MS Society or the Alzheimer's Society. Plus other charities with a broader remit like Age UK and Compassion in Dying <https://compassionindying.org.uk/>.

We also suggest many other intermediaries in our response to Question 1e).

*(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?*





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We do not have any other suitable methods to suggest for funeral directors or crematoria to raise awareness. For example, we feel any public awareness campaign should be carried out by the government or another body independent of the funeral sector. We agree with the CMA that this is likely to be more effective, but we would also have concerns that if it came from individual funeral directors it could take the form of publicising their business, which would put larger companies at an advantage and potentially undermine the intended benefits of the platform.

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

A more targeted public information campaign could be carried out aimed at reaching every household, such as working with local authorities to include a leaflet with their council tax bill.

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

We do not have the relevant expertise to comment on this question.

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

The only issue we would like to raise is the possible consequence if the guidance, created by the CMA, CQC or another third party, does not include information about funeral funding options. We appreciate this paper doesn't go into detail about the guidance contents, but we did notice that funding options are not one of the suggestions listed. Without information on possible funding options and how to navigate and find them, such as state funding, charities and the ability to turn to your local authority for a public health funeral if necessary, people on low incomes with no savings or estate to fall back on are likely to feel so overwhelmed by the financial aspect that they are unable to engage with the funeral planning process (example 16). The result of this can be extreme delays to the funeral taking place, which in turn can cause a devastating impact on someone's ability to grieve (example 16) and extra storage charges if the deceased has already been collected by a funeral director (example 9). We also expressed a need for this kind of guidance in our May 2019 submission.

### **Remedy 3 – Funeral planning awareness before the point of need**

*(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?*

Our experience suggests, certainly for our client group of people on low incomes and benefits, that many people may not start to take practical steps toward funeral planning very far ahead of time. In 2019 we supported 53 clients who were planning ahead for either their own funeral or that of a loved one. Of these 53, only 4 people were planning for the longer term future. Whereas 46 were planning where a death was expected in the near future. 20 cases did not have a prognosis recorded, but of those, 14 involved terminal or life-limiting illnesses and 6 were referred by hospices or hospitals. The remaining 26 were split between varying prognoses - everything from 2-6



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months (10), weeks (6), days (8) and even hours (2). The situations of 3 cases were not recorded. It should be said that is unclear how many people may have received diagnoses very late in their illness.

In addition, research carried out by the Co-op last year found that 45% of adults risk “taking their final wishes to the grave” as they have not yet thought about or communicated them<sup>5</sup>, while their 2018 research showed “Across the UK, 81% of people have not yet saved anything towards a funeral”.<sup>6</sup> All of this suggests that, at present, a death may need to be expected relatively soon for people to start preparing for the funeral.

However, we should also note that we get invited to deliver talks and workshops to various carers' groups/centres where attendees often are not expecting a death soon, but are interested in discussing funeral planning options. It can be emotionally easier to do so when death seems further away and more abstract.

At need clients often comment to us that dealing with someone else's funeral, experiencing the stress of financial difficulties and/or a lack of knowledge about the deceased's funeral wishes, has made them think about planning for their own. Some of our advance planning clients also explain that this is the reason they have been prompted to seek information (examples 17 & 18). However, it is difficult to know how the CMA could make best use of this when being recently bereaved is generally a very difficult time.

Moments of Change are recognised as important opportunities for behaviour change in sectors like sustainability and financial capability, including in QSA's own Made of Money project. Relevant moments when people might be receptive to funeral planning could be a change in accommodation from your own/rented property to sheltered accommodation or to a care home; the start of receiving home care; during engagement with services related to a medical diagnosis or finance related moments such as opening a bank account, or taking out a loan, mortgage or insurance.

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

Conversations with people with terminal or life-limiting illnesses and those close to them delivered by those involved in their care and support. A campaign in the form of posters, leaflets and information booklets, as well as references on radio and TV to create a trickle-down effect and gradually make advance funeral planning something normal to consider. However, in terms of planning ahead financially, many people simply cannot afford to do this.

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

People on low incomes are particularly vulnerable to, and disproportionately affected by, high funeral costs, as the CMA themselves have found. It is therefore of greatest importance that these consumers are made aware of this

<sup>5</sup> <https://www.funeralservicetimes.co.uk/news/funeral-plans/2019/11/28/14-million-brits-risk-taking-last-requests-to-the-grave/> [accessed 14<sup>th</sup> February 2020]

<sup>6</sup> <https://www.co-operative.coop/media/news-releases/silence-is-deadly-biggest-ever-survey-sees-30-000-brits-tackle-death-taboo> [accessed 14<sup>th</sup> February 2020]



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remedy. However, it should be noted that this can include people who do not receive any benefits and therefore we do not feel it would be appropriate, for example, simply to align any mail outs with benefit recipient lists.

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

We do not have the relevant expertise to comment on this question.

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

We do not anticipate any.

#### **Remedy 4 - Mandatory 'reflection period'**

*(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 believe a 'reflection period' would help some people in choosing a funeral director that best meets their needs. It is possible that the sheer existence of an official 'reflection period' would reassure people that they have the right to choose and that they don't have to engage the first funeral director with whom they meet. However, it is worth nothing that it may have its limitations in how many people it helps.

While some people feel both confident and emotionally able to shop around or take time to reflect, however minimal, if they don't find what they are looking for (example 19 and example FC02 in the research paper "Funeral experts by experience: what matters to them"<sup>7</sup>), our experience suggests that other people can find it very difficult to change funeral directors, particularly after the deceased has been collected, but often simply after having discussed arrangements with them (example 20), as it can be a very emotional experience. Therefore, for those people, the 'reflection period' may not be of much use to them.

Equally, the desire to hold a funeral, or at least to progress with plans, quickly does not necessarily only apply to religious and cultural practices, it can be much broader than that (examples 21 & 22). So we agree consideration does need to be given to this possibility, but regardless of someone's faith or background.

Therefore, as with distance contracts, we feel it should be possible for a customer to request that the trader proceed with supplying services before the end of the reflection period if they wish. - It is also worth noting that while the CMA paper references that The Consumer Contracts Regulations state it is possible for customers to do this, we have witnessed an example of a company not allowing this (example 22). - However, for any kind of contract, it would be vitally important that there were robust safeguards in place to prevent funeral directors pressurising customers to waive the 'reflection period'.

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<sup>7</sup> <https://fullcirclefunerals.co.uk/wp-content/uploads/2019/09/FINAL-REPORT-Funeral-Experts-by-Experience-1.pdf> [accessed 14<sup>th</sup> February 2020] / Ibid



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*(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?*

Advantages: As the CMA have noted in their 'Funeral director sales practices and transparency' paper, some funeral directors "have a policy of requiring that (at least some) customers make a payment in the arrangement meeting itself. Others may encourage payment in the arrangement meeting", which obviously impacts on the ability to shop around. A 'reflection period' at this time would make it easier for a consumer to withdraw from their engagement with that funeral director as they would not have to go through any official cancellation process and therefore would not risk ending up locked into a contract if they are unable to meet the cancellation terms.

Disadvantages: those who decide they do wish to proceed with that funeral director would have to visit the funeral director again in order to provide the 'green form' and to sign a contract or make the arrangements official. Bereavement is a very difficult time for many people and we frequently hear that clients are unable to think straight, to carry out straightforward practical tasks or to remember to whom they have spoken (example 23). Therefore adding another visit to the funeral directors may feel too much for some people. As a result, it should be borne in mind that the prospect of having to return to do all of this may deter some people from taking advantage of the 'reflection period' thereby making the remedy ineffective, i.e. they may opt to waive this, assuming this is given as an option.

We believe it should be compulsory for funeral directors to offer a 'reflection period' at this time, with no pressure to pay or sign, but that customers should be able to choose whether or not they take up the offer.

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

Advantages: this would be particularly helpful for people who fall into the scenario mentioned in the disadvantages in answer (i) above, which we believe would be a large percentage of customers. If the reflection period described in question (i) was the only one to be introduced there would be no safeguards to protect these people.

Disadvantages: if this was the only 'reflection period' introduced it could create a barrier for people who want to switch funeral directors – the very people the remedy is designed to protect. Cancellation would definitely have to be made as easy as possible, but would need to take a written form for the protection of both parties. Therefore email should be an acceptable mode of cancellation to make it easier for the bereaved and quicker for everyone. However, for people without easy access to email, providing cancellation in writing could be an obstacle that results in them failing to do so in time or that simply deters them from doing so. The result could be that those people who are most vulnerable are essentially unable to make proper use of the 'reflection period'.

As a result of our responses to both questions (i) and (ii), we believe both are required as explained here.



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(iii) another suitable time?

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

We do not have the relevant expertise to comment on this question.

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

None other than the disadvantages mentioned above and these do not worsen the current situation.

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

*(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?*

Assuming the cap is set at a reasonable price it will make moving funeral directors more financially possible for some (example 24 and 46 & 72, in May 2019 submission) and the costs simply more transparent for others who choose to move (example 6) and so will be welcome. We don't believe it will be unduly disadvantageous for funeral directors either because many people find changing funeral directors emotionally challenging (example 20 and 46, 51, 61 & 75 in May 2019 submission).

*(b) How should the cap be calculated?*

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

We do not have the relevant expertise to comment on these questions.

*(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?*

We do not have the relevant expertise to comment on this question.

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

We do not have the relevant expertise to comment on this question.



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

We do not anticipate any.

### **Remedy 6 – Managing conflicts of interest**

*(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?*

We do not have any others to suggest, but agree with the suggestion of requiring funeral directors to disclose business interests to consumers that might give rise to a conflict of interest and with the prohibition of certain payments as outlined in paragraph 99.

*(b) Are there any other types of inducements or payments that should be captured by this remedy?*

The funeral director's contact with the bereaved at such an intimate time can have a profound impact on people and affect their readiness to shop around, as the CMA have found. Therefore we do not feel that funeral directors who are appointed by coroners, care homes or hospices should be allowed to exploit their contact with the bereaved. We note that the CMA reported, in their Role of Intermediaries working paper, that "many contracts have non-solicitation clauses", but that "There were also some contracts where the providers did not mention any restrictions." We believe all contracts should be required to contain these clauses. Like the CMA, we too have heard of cases where a funeral director appointed in this way left a glossy brochure with the family (example 25), therefore we believe more also needs to be done to enforce these clauses.

In contrast, a simple leaflet that, for example, reassures the bereaved that the collection has been made by the coroner's appointed funeral director and that it is free (in the case of coroner collections) would be beneficial. Such a leaflet could also give details of the platform.

We note the CMA's findings in the above working paper that "some funeral directors are bidding for coroner's contracts at a price below the costs incurred in delivering them". In addition to this appearing to support "the theory that contact with the funeral director increases the likelihood that the bereaved person uses that funeral director for the funeral", we would also suggest that it is possible it may influence the extent to which a funeral director respects any non-solicitation clause. If a company is providing a service at a price that will ultimately result in a loss if the bereaved do not go on to use them for the funeral, then it is reasonable to think that that company may make more attempts to secure business from the bereaved. We ask the CMA to consider this when looking at the issue of non-competitive tendering.

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

We do not have the relevant expertise to comment on this question.



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

As we have said, we are fully supportive of prohibiting commission payments to employees for upselling packages. However, it could perhaps give rise to unintended consequences. We are not aware of how much commission is used in the industry and whether this forms a significant part of employees' wages, but if it does this remedy could cause a decrease in the wages and income of those staff. We would hope however that funeral directors would then review salaries in line with this.

### **Remedy 7 – Disclosure of business ownership and other commercial relationships**

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

Customers could choose a crematorium based on a recommendation from a funeral director, without knowing they have a commercial interest in making the recommendation. This would mean the customer's decision was not necessarily based on independent, unbiased information. If the crematorium is more expensive than others in the area then this could cause harm.

Our experience fits with the CMA's findings noted in their 'Funeral director sales practices and transparency' paper that "most [consumers] will choose a local funeral director based on recommendation or previous experience". In doing so they assume that the company is the same, especially when the name does not appear to have changed. Non-disclosure of the fact they are part of a larger company can result in the whole reason for the customer's choice essentially no longer existing. Besides the potential impact on the customer experience and sense of trust in the industry, if that funeral director is more expensive than others in the area, they will have paid more without receiving the 'benefit' they intended. If they were fully informed there would be more scope for making a different decision that may also be less expensive (example 26 and example 91 from our May 2019 submission).

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

We agree with the CMA's suggestions that it should be disclosed if a branch is part of, or is acquired by, a larger company and if a funeral director is part of the same company as a crematorium.

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

On premises, including making it very clear in the name of the business and on external signage. For example, there is no mistaking that certain funeral director branches are part of the Lincolnshire Co-op or The Co-operative Funeralcare, part of the Heart of England Co-operative, because the branding on their signs is very obvious. This is also true for many of the branches of the large chains, but not entirely, and where branches retain the family name that existed prior to being taken over by one of these larger companies it is often much less apparent (examples 27 and 28).



**Response to the CMA's 'Information and transparency remedies' working paper**

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This information should also be disclosed on websites, in promotional material and in conversations.

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

We do not have the relevant expertise to comment on this question.

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

We do not anticipate any.