



27 February 2019

[REDACTED], Down to Earth manager  
17 Old Ford Road, London, E2 9PJ  
| [www.quakersocialaction.org.uk](http://www.quakersocialaction.org.uk)

## Remedy Selection

*108. 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.*

Based on the evidence gathered by the CMA it seems reasonable to focus quality regulation on funeral director services. We also have to note that most, if not all, of the negative comments we hear from clients about funerals in relation to quality, refer to the funeral directors' services, not the crematoria. It should be said that the majority of our contact with clients takes place in advance of a funeral, however, because obtaining state funding and charitable grants takes several weeks at least, if not months, we do maintain contact with a proportion of our clients after the funeral.

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

Given the extent to which most bereaved people currently choose a funeral director based on previous experience or recommendation and the degree to which people find it emotionally difficult to shop around, we are not confident that issues regarding front of house quality will be solved, at least not in a reasonable timeframe, through remedies designed to improve the transparency and availability of information.

Care of the bereaved is just as important as, if not possibly more so than, care of the deceased. Many of the examples we have previously provided show how vital it is to customers that they receive good customer service and are treated kindly and with compassion (further examples 1 & 2). Therefore we believe, as Scotland are proposing, that the inspection regime should also include front of house standards. We note too that the CQC standards include:

- Person-centred care - You must have care or treatment that is tailored to you and meets your needs and preferences.
- Dignity and respect - You must be treated with dignity and respect at all times while you're receiving care and treatment.
- Duty of candour - The provider of your care must be open and transparent with you about your care and treatment. Should something go wrong, they must tell you what has happened, provide support and apologise.

There should be a minimum level of customer service required and a code of conduct that all funeral directors need to follow. There should also be a ban on funeral directors withholding ashes until the full bill has been paid.

We would also suggest that the level of transparency a business shows plays a part in the level of quality they provide to customers.



## Response to the CMA's 'Quality regulation remedies' working paper

27 February 2019

██████████ Down to Earth manager  
17 Old Ford Road, London, E2 9PJ  
| [www.quakersocialaction.org.uk](http://www.quakersocialaction.org.uk)

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

We believe the proposed remedies to be proportionate in dealing with back of house standards. We agree with the CMA that two main factors play into the need for quality regulation 1) the fact it is difficult to observe or assess back of house elements and 2) the fact that the emotional impact of bereavement makes it difficult for customers to engage with the market. We do not feel that merely taking action to address any competition problems in the market will be sufficient to ensure adequate standards in back of house services across the industry. Regulation does seem to be a necessary step.

We see no reason to think that regulation will not be effective in achieving the aims around back of house standards and in addressing the CMA's initial concerns on this issue. It is vital however that it is robust and accompanied by other features suggested by the CMA i.e. a licence renewal process; an inspection scheme; an enforcement regime, including fines, suspension and revocation; and a register of licensees. We agree that the inspection scheme should include regular announced and unannounced inspections; an assessment of premises, facilities and equipment and quality checking processes and procedures; and a clear way of communicating the information gathered to customers.

In respect of the latter, we note that the CQC publish all their reports on their website for the public to read if they wish, while also providing a more easily accessible representation of how the organisation measures up against the standards in the form of ratings like 'Good' or 'Requires Improvement'. While we anticipate that the majority of the bereaved are perhaps unlikely to want to read a full report in this way, some might, or at least to view parts of it, while people planning ahead may be more interested in accessing it. Given the vulnerability of customers and the care involved of both the deceased and the bereaved, it would feel appropriate for this level of information to be available online for those who seek it out.

However, the most important element for customers would be ready access to ratings that are easy to read and understand. As with CQC inspected organisations this should be available on funeral director premises and we would suggest that a primary location for this would be in the window. We note from this working paper that, in respect of food establishments, most respondents (62%) commonly check the provider's rating by looking at the sticker displayed on the food business door or window. We would suggest, partly from our own personal experience, that this is certainly in part because it can feel very awkward walking into a restaurant and asking for, or being seen actively looking for, the rating, especially if one was to then walk out. If this can be awkward when someone is simply going out to buy food/have a meal, then the experience of someone having to do this with a funeral director's premises when bereaved cannot be underestimated. Therefore we would strongly support premises having to display their rating in the window, in addition to showing it inside.



27 February 2019

██████████ Down to Earth manager  
17 Old Ford Road, London, E2 9PJ  
| [www.quakersocialaction.org.uk](http://www.quakersocialaction.org.uk)

111. 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 do not have any alternatives to suggest.

### Remedy Design

112. 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.

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

113. 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:

We are supportive of the back of house standards listed in Table 1, however we feel there is a gap in the desired outcomes of the 'Governance processes and procedures' standard. We note that the study 'Funeral experts by experience: what matters to them'<sup>1</sup>, gives evidence of how "cosmetic aspects of presentation could also be cause for distress" e.g. arrangement of hair, whether or not they are presented wearing glasses, make-up used, 'the pose', padding out cheeks contrary to someone's normal face-shape and so on. The study notes that "respondents blamed the funeral director for not securing a photograph so they could check how the person generally presented themselves". Therefore, it seems clear from this that it should not just be embalming that is covered in this section. We also suggest that funeral directors should be able to show they hold staff guidance on how embalming and other care services are explained to the bereaved to ensure they can clearly understand not only the process, but also the impact it will have on the body.<sup>2</sup> Plus, to ensure that it is delivered in as sensitive a way as possible.

As we have stated in our answer to question 109, we believe front of house standards, including customer service and transparency, should also be included.

<sup>1</sup> <https://fullcirclefunerals.co.uk/wp-content/uploads/2019/09/FINAL-REPORT-Funeral-Experts-by-Experience-1.pdf> p.38-39 [accessed 25th February 2020]

<sup>2</sup> "People could feel unprepared for what embalming did to the body. One respondent visited, and was shocked by how his hand felt. ... Another respondent was also dismayed by her father's appearance. She confronted the funeral director: "Why does he look that colour and why is he so cold?" Ibid, p.38



## Response to the CMA's 'Quality regulation remedies' working paper

27 February 2019

[REDACTED], Down to Earth manager  
17 Old Ford Road, London, E2 9PJ  
| [www.quakersocialaction.org.uk](http://www.quakersocialaction.org.uk)

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

As we do not have experience in caring for the deceased, we can only comment in line with the HSE guidance, which states that storage at or below 6°C is necessary if it is for less than 48 hours and beyond that at temperatures of approximately 4°C. Based on this we do feel refrigeration is generally necessary for the appropriate care of the deceased, though we acknowledge comments by others with more experience that refrigeration may not be necessary when embalming has taken place. However, embalming should not be relied on to avoid refrigeration as not everyone wishes this to be carried out.

*(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?*

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

*(c) 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)?*

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

*(d) Should training and/or education be mandatory? Please explain your answer.*

As referenced in our May 2019 submission, we believe there should be some form of training that is mandatory, for example on public health funerals, the Children's Funeral Fund (example 2) and in the DWP's processes, particularly the Social Fund Funeral Expenses Payment, which funeral directors often do not understand and provide incorrect information and advice on (examples 3 & 4 and examples 89, 95, 106 and 113 from May 2019 submission). This would mean they are able to advise clients well, who in turn could make informed choices about their funeral budget.

As we have already evidenced in previous submissions and this one (examples 1 & 2), basic customer service is not always something that can be guaranteed. So all funeral directors should also have access to basic, low cost or free online training on essential aspects such as customer service and GDPR. Bereaved people are inherently vulnerable, many of them extremely so, and knowledge of these aspects are integral to enabling staff to help customers make informed choices and to treat them with dignity and respect.

*In the event that training and/or education was made mandatory, please comment on:*

*(i) Which members of staff require formal education and to what level (i.e. 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?*



27 February 2019

██████████ Down to Earth manager  
17 Old Ford Road, London, E2 9PJ  
| [www.quakersocialaction.org.uk](http://www.quakersocialaction.org.uk)

We do not have the relevant expertise to comment in depth on this question, but we believe funeral directors and funeral arrangers at least should be required to have some training given their central roles in dealing with care of both the bereaved and the deceased.

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

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

*(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?*

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

*(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 (e.g. age, conduct or experience restrictions)?*

The only comment we would like to make on this issue is with regards to conduct. We feel it is relevant to cite the case of a funeral director who has numerous counts of fraud against him, including in relation to pre-paid funeral plans. While we recognise that pre-paid funeral plans are not part of the CMA's investigation, we believe it would be reasonable to consider convictions of this kind when looking at licensing individuals, especially given that this particular individual has since been able to set up a new funeral service where he still has access to vulnerable and bereaved customers. A couple of our clients have engaged the company as their funeral director and one in particular did not have a favourable experience (example 5).

*(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?*

We agree with the CMA that "any body tasked with monitoring and enforcing quality standards could be supported by an independent complaints adjudicator, which could also administer an independent ADR scheme for customers who are unhappy with the service they receive from a funeral director." We believe there is a need for this, as stated in our May 2019 submission. Some clients feel unable to complain directly because the funeral director is known to them or a member of their community, and it is difficult to remain anonymous, or they feel if they make a complaint there will be repercussions, particularly if they are still paying a bill (examples 84 & 94 in our May 2019 submission). Customers should be able to complain easily to an independent authority. We have already evidenced how existing complaints systems are not robust and are certainly not independent.

In addition, we would also like to comment that we believe a centralised complaints resolution service should allow people to make complaints verbally as well as in writing, as this can be a major barrier for many who are



27 February 2019

██████████ Down to Earth manager  
17 Old Ford Road, London, E2 9PJ  
| [www.quakersocialaction.org.uk](http://www.quakersocialaction.org.uk)

not literate. It should also allow for vulnerable individuals to be supported to make a complaint by a support worker or support service, such as Down to Earth or Citizen's Advice. Additionally it should allow for whistleblowing within the funeral industry.

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

For the same reasons that we believe an independent ADR scheme is necessary, we also believe regulation should be monitored by an independent body to ensure there is no conflict of interest.

*(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.*

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

*(b) What role, if any, should the existing trade associations (i.e. 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.*

We do not have any comment on this question.

*115. 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 believe a licensing and inspection regime should apply to businesses and to individuals in some form, even if it is as a business and activity-based licence that is linked to an accountable person, as referenced in this paper. In doing so, we note that the majority of the international markets cited by the CMA include individuals in their licensing process in some way. It would also be in line with the regulatory activity of the CQC, which seems a reasonable comparison because a) as the CMA reflects, quality of care is also difficult for customers to observe and assess and b) they also deal with people at a vulnerable time.

We feel the example we have given in answer to 113 (d) (iv) is relevant to the need for individuals to be involved in licensing in some form (example 5).

In terms of the respective obligations of individuals and businesses, we do not have expertise in this area, but we support the requirements that are mentioned in this paper as those on which licensing schemes typically focus.

Business obligations - technical specifications of premises, facilities and equipment, funeral service delivery; governance processes and procedures to monitor quality standards, including suitable procedures to monitor premises, facilities and equipment and for the identification of the deceased; complaints handling process.

Individual obligations – the necessary skills and experience to perform their role and to oversee the work of others; designated business management accountabilities; no criminal or corporate concerns.



27 February 2019

[REDACTED], Down to Earth manager  
17 Old Ford Road, London, E2 9PJ  
| [www.quakersocialaction.org.uk](http://www.quakersocialaction.org.uk)

*116. 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 do not have the relevant expertise to comment on this question in depth, but if it was funded by a levy on funeral directors or a licence fee, the cost to funeral directors would need to be considered to avoid any costs being passed on to customers or it being a barrier to smaller companies. The length of time allowed for companies to put any requirements in place would also need to be taken into account.

*(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.*

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

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

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

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

We do not have any comments to make on this question.

*118. 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?*

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

*119. 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?*

We agree with the CMA's suggestion that information collected and disseminated to customers should cover both back of house standards (as outlined in Table 1, with our suggested addition in our answer to question 113 and front of house standards.

For front of house standards, we support the CMA's suggestions that the information could include: (a) standard of premises, facilities and equipment used during the arrangement and the funeral service; (b) professional competence of staff, including their expertise in planning and delivering funeral services; (c) care of the bereaved;



## Response to the CMA's 'Quality regulation remedies' working paper

27 February 2019

[REDACTED] Down to Earth manager  
17 Old Ford Road, London, E2 9PJ  
| [www.quakersocialaction.org.uk](http://www.quakersocialaction.org.uk)

and (d) customer service (e.g. availability of staff/hours of business, parking facilities, public transport links, accessibility (for customers with disabilities) and website and marketing materials).

However, we believe the levels of transparency shown by a funeral director in their dealings with customers should also be included in this.