

The Quality Regulation Remedies document poses some potential options that the CMA is considering:

Possible quality regulation remedies

- (a) Clear requirements for funeral directors in the form of, for example, statutory minimum standards.
- (b) Effective monitoring and enforcement of standards through, for example, a statutory licensing and inspection regime.
- (c) An appropriate body to monitor and enforce standards.
- (d) The collection and dissemination of information to customers on the quality of services provided by funeral directors. The paper goes on to explain the reasons for the suggested remedies, and poses a number of questions:

Findings

Our initial assessment of the quality of services provided by funeral directors to customers suggests that:

(a) During the purchase process and delivery of the funeral, customers can observe a range of quality aspects but care of the deceased, which is of considerable importance to customers, is largely unobservable, and customers vary rarely compare quality across providers;

(In our experience, owing to cultural edging away from bodies, people all too often don't like to think about the body bit. It is for funeral directors to invite, support and encourage healthy involvement in this part of the process)

(b) together, this is likely to weaken the incentive for funeral directors to offer high quality in relation to those services that customers cannot easily observe and assess (ie back of house standards);

(c) whilst funeral directors may monitor and invest in the quality of some of their services, we have not seen strong evidence of back of house quality responding to customer preferences, or that good quality provision requires high costs and prices; and

Perhaps investing in a fleet of expensive cars is not necessarily helpful to everyone's bereavement needs. Again, encouraging people to be invited into a conversation about how they would like their person cared for, and indeed into those 'back of house' spaces themselves would give us all an idea of how to improve this experience for all who want to be involved in this aspect.

(d) 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.

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.

>> The different ways that crematoria operate can certainly impact what is on offer. It is important that crematoria can flex to the needs of the people - offering low cost options with or without chapel time, and being prepared to deal directly with families in self-help cases.

The most flexible, accommodating funeral directors will still be beholden to what the chosen crematorium in a certain area will offer.

>> Any propositions which look to regulate the funeral industry should look at the different processes and stages as a whole. This would encourage a more cohesive and complimentary flow between industry services and ultimately better the experience for families.

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

>> While care for the body is very important (demystification of this process creates room for people to gently approach their dead and this can be very helpful to the bereavement process), it is the need for the funeral directing profession to evolve from salesperson to family support/event organiser that is very pressing at this time.

A funeral director should be much more than a storage room operator. - They need to be aware that families are experiencing new and heightened emotions and will feel powerless and very stressed - what to the FD is a job is very possibly the most highly charged moment of the process.

Family need to be able to be informed about where and when the body is being kept and generally how it is cared for and treated. There may well be cultural and religious beliefs to consider here.

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

>> Price transparency is important - any tools for this must be able to flex for bespoke quotes based on people's actual personal needs.

When it comes to comparing funeral directors we must ensure that differences in approach (conventional, holistic, highly personal...) and not just cost are obvious to the consumer.

A fair way of sharing the above to as many people as possible, as early as possible in life is vital.

Leaving some broad guidance about your funeral can be helpful, but people might avoid over-planning since there should be room for the responses of the people affected by the death when it happens. Planning every detail can actually do the people you care about out of the potential healing benefits of being involved in the funeral process itself.

Reflection period should be normal - with final invoice already agreed. We would only want to serve the people who are the right fit for us anyway - forcing people to have your services seems an alien concept to us.

Incentives and gratuities between FD and institutions (hospice/care home) should be banned/discouraged as they could easily limit families autonomy.

It is very important for it to be obvious to the consumer who owns what in the funeral industry. Large conglomerates should not purport to be family run businesses. Council run facilities are an important part of the puzzle.

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)?

>> Councils themselves could offer a general collection facility - to a Community Death Centre for example...

Please explain what those remedies are and why they would be more effective than, or suitable in addition to, our proposed remedies.

>> This remedy would provide a fair public service accessible to and understood by all. A way of death for the people.

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.

>>

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:

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

>> Each body behaves slightly differently.

It would be good for people to have the option to care for their dead at home.

Temperature controlled environments are sufficient for short and medium term stays. A cold room can be a sufficient facility, even for medium-term care for the dead in the lead up to a funeral. (Funeral times can be postponed at the request of family members).

Refridgeration is obviously necessary for long term storage - in general FDs should not be required to keep someone long term. (Eg. When somebody has not been found for a significant amount of time, and is in a bad way, there will often be the option for the body to stay in the care of the coroner until the day of the funeral itself.).

There is potential harm in rushing the decision making for the family as the death occurs. It would be helpful if all care and nursing home staff were appropriately trained, and knew what to expect, and so did not rush things unnecessarily.

(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?

>> One fridge per 50 deceased persons does not account for levels of business - there would inevitably be crossovers and multiple deceased people needing space at one given time (seasonal, random). Servicable temperature controlled environmets would be a better stipulation/recommendation.

(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)?

>> See above - It is not necessary for each deceased to be stored in individually separate compartments.

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

>> I am wary of any recommendation that could put distance between a family and their deceased person.

Training around best practice could be beneficial - in fact training standards should be looked at before any regulation standards are considered.

Training should include grief counselling, customer care (no pressure, no upsell), flexibility - FD as facilitator, employed to inform of full range of options and provide only what the clients choose.

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 (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?

>> On-the-job learning is an enormous part of the - often vocational - role of the funeral director. There is no substitute for working with the deceased and their family - these skills cannot be learnt in the classroom. We must be as prepared as possible for the unpredictable nature of this work.

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

>> It would be great to offer improved training.

(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?

>> Self-assessment for diversity and cost reasons.

(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)?

>> I don't think so...

(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?

>> This may be useful to safeguard the bereaved and to give FDs and others in the industry a platform to address any issues that may arise. It should be noted that due care should be taken to protect both parties, and to avoid creating an environment which makes it harder to fulfil the wishes of the deceased.

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.

>> Different body in each part owing to different cultural expectations and needs.

(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.

>> Conversations can be had - dialogue always helpful. We now need a new forward-thinking, progressive focus on positive change, since a funeral is so much more than a commercial transaction.

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?

>> Each company has an obligation to ensure their staff are fully educated and means for progression.

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?

>> Ensure any changes are affordable, even by the innovators with a relatively small annual turnover.

(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.

>> Could be a sliding scale depending on how many funerals an individual/company arrange per year? Perhaps more funerals = more staff to train?

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

>>

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

>> Not that I can think of...

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?

>> The aspects that need to be looked at are the same everywhere. (There might be differing practicalities in different locations).

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?

>> It should be clear if FD is compliant to transparent pricing, has flexible services, and a clear ethos.

The Information and Transparency Remedies paper identifies seven possible remedies and poses questions on each of them:

Possible information and transparency remedies

Invitation to comment

Our emerging thinking on remedies is without prejudice to the final outcome of our assessment on whether there are any AECs (adverse effects on competition) in relation to the services provided by funeral directors and crematoria operators and any detrimental effects on customers resulting from those AECs. 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?

>> Hopefully affordable to us!

(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?

>> Regardless of size of business - we must ensure that the option remains for families to take care of their own and complete funeral arrangements without the help of a funeral director should they wish to do so.

(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?

>> Again, remember the self-helpers, and those offering flexible funeral support which may include just transport/coffin/ceremonial advice and not a full package.

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

>>

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).

>> Sounds good.

(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.

>> Bear in mind bespoke pricing - I usually spend time for free putting a personalised estimate together following a telephone chat to see if we are the right fit.

(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.

>> Customer price is and should be the same everywhere (even though some comparison sites charge for your listing).

(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.

>> Packaging discouraged - clear, itemised pricing will be the way for the consumer to compare what's on offer.

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

>> Yes

(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.

>> Good idea, but very tricky to implement due to vast range of funeral options (limited only by imagination).

We discuss this part of the remedy in more detail below.

Invitation to comment

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?

>> Better information online - including designing/pricing tool, with flexible preliminary chats available over the phone.

Expert talks in schools, community groups etc... nationwide - highlighting end-of-life options, managing expectations, providing practical information and provoking conversation. The answers should come from the customer.

(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)?

>> Quotes before meeting (with benefit of prelim phone chat with somebody who knows).

(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?

>>

(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?

>> Could limit innovation.

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

>> Could be!

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

>>

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

>> If its all down to price - we must be clear about what the role of the FD is and what that is worth. Not all funeral directors offer the same type and level of service.

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.

[Intermediaries to include - hospitals, GPs surgeries etc...](#)

(b) A checklist of questions that customers may wish to ask the funeral director.

[We have resources for customers to work through and consider so that they can mull things over and have time to talk to others before committing themselves, and encourage hinking about what they want ahead of the critical time.](#)

(c) Funeral directors and crematoria in the local area (and possibly their prices). [And their funeral directing style. Perhaps for example Chamber of Commerce could hold accessible up-to-date information on FDs, ethos and price.](#)

(d) Information on [the platform](#).

Invitation to comment

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?

>> [Hospitals, GPs surgeries, fair information that crematoria themselves can disseminate? CAB, Councils, Money Saving Expert?, organsations such as Natuarl Death Centre, LifeRites... Final Fling...](#)

(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?

>> [Public engagement events](#)

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

>> Public engagement events, death festivals, funeral planning on a budget sessions, Dying Matters Week, coffin workshops, art galleries, education, open days.

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

>>

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

>> Possibly, but very good to empower people.

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

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?

>> When writing a Will, following attending a funeral

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

>> Not a sales pitch please.

We run community funeral planning on a budget workshops - facilitated gently and safely, to encourage thoughtfulness about funerals.

(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?

>> Encouraging upsell of unnecessary pre-paid funeral plans.

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

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?

>>

(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?

>> Time-wasting? Deferring of making difficult but important decisions.

Slowing down the time between death and funeral.

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

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.

Invitation to comment

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?

>> The costs should be clearly advised ahead of any works.

Helping people to find and decide upon a FD ahead of the critical time would be good.

(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 be 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?

Collection costs impacted by (so should reflect) time of day/week, size of deceased (might need extra staff/equipment), type of shroud, accessibility of place of death, distance, transport - mileage. Storage would be better capped by the day to be more fair for differing needs/wants.

>> In regards to distance perhaps it should be clear if a company is collecting multiple deceased people on one journey.

(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?

>>

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

>>

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

>>

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

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?

>> Third party gratuity/incentives should be entirely discouraged as they are taking away the personal choice of a family at a delicate time when grief can restrict cognitive function, and the confidence to shop around.

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

>> Unfortunately difficult to track back-handers.

(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

We invite views on the following questions:

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

>> **Stitching up the market. If the same company owns and FD service and crematoria service/burial ground then they might be limiting options to customers - and unfairly controlling prices.**

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

>> **Who owns crematoria/burial ground should be made very clear - and what that means!**

Any third party transactions should be disclosed.

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

>> **Should be clearly stated on any marketing material - website, display in premises.**

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

>>

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

>>