

Thank you for providing this opportunity to respond to the new working papers. It is reassuring to see the CMA taking such an objective, thorough look at the funeral sector in the interests of improving things for the public.

The data gathered by Ipsos MORI regarding consumer behaviours and choices is interesting and helpful in telling us what people are generally doing right now, for example that little planning takes place before death occurs and that when death does occur, people are rarely comparing funeral directors, they are expecting the local or closest funeral director to be acceptable, they generally have no or little knowledge of the details of how the person who has died is cared for. This reflects our experience that broadly people are not empowered nor informed when it comes to funerals and what to expect from a funeral director.

What the reports do not convey is how people might behave if, with the support of education and empowerment, they had come to expect more from funerals and funeral directors. I would expect the more liberal remedies the CMA has explored (such as a principles based quality regulation regime with information disseminated to the public) to educate and empower the public to exercise their will and improve the funeral market dramatically over time. This approach ensures the market stays open, innovation and progress flourish and the public have the widest range of choices possible. My concern with some of the more rigid remedies (such as price capping or anything which standardises what a funeral should be) is that whilst they may immediately and powerfully stop some of the worst aspects of the sector as it is (such as overcharging), they will standardise and normalise the 'acceptable' but in my opinion lacklustre state of the sector, stopping a movement towards excellence, which is in the best interests of the public. I am concerned that some of the more 'rulesy' measures will make 'acceptable' rather than 'good' or 'excellent' the norm at a time when progressive thinking is trying to challenge the norm to become the best it can be (which won't happen overnight).

Running through the points I can best contribute to:

The approach taken by funeral directors and intermediaries

The Ipsos MORI mystery shops and web audits were very interesting. For the public to have good, reliable services from their funeral directors, it certainly needs to be normal practice for funeral directors to explain clear, thorough, itemised pricing from the outset, both on websites and over the telephone, and then along the way so the client has a running total throughout the process. It should not be the client's responsibility to bring up money, although they should feel free to do so. It is unacceptable that half of websites contained no pricing information for funerals organised at the point of need. These are very good examples of principles that could be introduced and monitored.

Role of intermediaries in the process of choosing a funeral director

In our experience, and in conversations with local hospices and care providers, it is very rare for patients/clients and their families to discuss funeral plans during the dying process and so most people have to make a decision in a very tight timeframe (at worst hours and at best days) when they are exhausted and emotionally spent. The feedback we have been given time and again is that conversations around dying are hard enough for the healthcare professionals or carers to initiate or sustain, let alone what happens next. Discussing even the most basic funeral arrangements can feel impossible for even the best trained and confident nurses, doctors and carers. Patients and their families have very rarely made even the most simple plans, and often have no idea of what their choices may be. Decisions are made under great time pressure and once made, changing does not feel like an option.

At Poppy's we have been gratified and glad to hear from our local hospices and care providers who are seeking to better educate themselves so they can gain an objective

understanding of what funeral directors do and what is possible when it comes to funerals. We encourage healthcare professionals to come and see behind the scenes in our mortuary and aim to give as objective a picture as possible so they can support their patients and their families with simple information about what the steps after death might be. I have had conversations with many healthcare professionals who feel very strongly that it is not their place to be talking to patients and their families about funerals. Some hospices will hand this job to the hospice chaplain or the social worker. But these conversations are not always spiritually or financially motivated. Often the patient or their family simply wants to be able to talk practically to a trusted and objective third party about what will happen next. I would argue that a healthcare professional feeling unable to do this is a huge missed opportunity for the patient and their family to be given the kind of excellent, holistic, joined up care we all hope we can achieve for ourselves and the people we love. Being given a sheet of paper with a list of funeral directors names on, with no further information and no support, is certainly more helpful than nothing, but not (as your data shows) what people are looking for. They want trusted information from a trusted source.

Practices we have been made aware of in the past which would constitute a conflict of interest or bribery are unacceptable and certainly distort the competitive process. Any bad practice based around bribery or coercion must absolutely be rooted out. However I am concerned that the growing tendency for open-minded care providers to seek to educate themselves about funerals in the hope of better supporting their patients/clients would be hampered by some of the remedies or suggestions in your papers.

We absolutely seek to build professional relationships with care providers and I do not see that this has a distorting effect on the competitive process. I would be wary of any initiatives that sought to reduce the relationships between care providers and funeral directors, assuming those relationships are professional and based on the desire to provide the public with the best, most informed experience surrounding dying, death and the funeral.

The quality of 'back of house' funeral director services

Certainly the bereaved find it hard to find information on the quality of care for people who have died, and they often don't want to know. I would challenge the conclusion that many funeral directors provide an acceptable standard. As previously discussed I would argue that the public have low expectations of what a funeral could be, and little sense of what good care looks like from funeral directors. When you are not empowered or informed, you can not have high expectations.

Remedies

A quality regulation regime would be a very good and sensible way of bringing in some basic minimum standards, setting some principles that funeral directors must comply with. I think a principles-based regulatory approach would work better than precise rules, because there is no fixed and standard way to care for the dead well, and limiting what that care looks like to fixed rules will limit choice for the public. I am confident a principles-based approach would improve the way funeral directors care for the dead, and more importantly would signal to the public that this is something important that is happening on their behalf and which they can expect to have a say over. I think effective monitoring and enforcement by an appropriate body is crucial, and collecting and disseminating information to customers on the quality of services provided by funeral directors would be very helpful for the public.

I agree that back of house services provided by funeral directors are likely to be most appropriate to fall under the scope of any new quality regulatory regime. I would argue against the idea that all funeral directors need suitable premises. There are already providers working on a small scale in the market who run services whereby they support families and friends to organise the funeral themselves. The person who has died is kept at

home. I am concerned about anything that will stand in the way of new entrants bringing innovation and progress which will serve the public.

Training, education and continuing professional development are essential for everyone in a team. I do not believe there is a training programme currently available in the funeral sector which could do this to an acceptable level. If the current offering were made mandatory I would send new members of my team knowing they were about to be taught things I would immediately have to unteach them. It seems a great waste and undermining of excellence to send people on a training course for box-ticking purposes. Training is an opportunity to strive for excellence, not just to appeal to the lowest common denominator. If there were a curriculum that could be interpreted in house, or if progressive funeral directors known for their excellence were involved in the teaching of the curriculum, I would have greater hope.

A platform to assess and compare prices and services offered by funeral directors and crematoria operators could be very helpful. Ensuring the information contained is simple and easy to compare whilst adequate in communicating difference can be a challenge. I know current platforms have struggled to do this.

I support anything that will improve customer awareness of price and service information and funeral planning before the point of need. It's not just about getting the best price, it's also about going through this experience in the most empowered, informed way possible. I agree that a reflection period and requiring the disclosure of ownership structures would increase transparency and therefore serve the public.

Regarding 'Remedy options for regulating the price of funeral director services at the point of need', (question 101), I do not agree that the introduction of a price control will help the public overall. One of the reasons the public do not currently compare is the homogeneity of the offering. There may be variation in how funeral directors structure their organisations, but in terms of what a funeral director does, how they do it and what they offer, it currently doesn't look to the public like there is any choice.

Capping fees also suggests that the current level of quality is good enough, that it's simply the price that needs to come down. In a successful market where competition was working, the public would have a wide range of options reflecting a wide range of services, with quality reflected by price (which it currently is not). By capping fees, you will stop new entrants coming into the market at the top end, bringing innovation and progress and improving choice and service for the customer. I would argue this 'top end' currently doesn't exist because the public currently don't know what a really great experience with a funeral director could feel like. The funeral directors that are currently expensive are not providing 'top end' service.

Price controls will also limit choice by affirming the falsity that a funeral is a 'standard' thing at all. I disagree with the suggested products and services within the proposed 'standard' benchmark. That may be what the public are currently being sold, and have got used to being sold. I do not believe that funeral directors or any other institution should dictate what a funeral should be. I believe we should empower the public with information, choice and support to ensure they get a service that reflects their needs. Embalming is a good example. People are getting embalmed, largely, because it suits the funeral director. It will take some time for the public to be educated about embalming so they can decide whether they want it or not.

Regulating the price of funerals also feels like jumping from the frying pan into the fire. There has historically been no concerted attempt by the government or the sector to educate

people about funerals and what their choices are. It seems strange to jump to regulating prices before an educational strategy has at least been attempted.

I think price controls will take any chance of innovation and progress currently brewing in the sector, and sink it. Regulating the price of funerals might make funerals a bit cheaper, but it won't make them better.

I believe local authority tendering of funeral director services could work as a potential remedy and further engagement with existing schemes will be most telling. My concern again is the way it will emphasise the falsity that a funeral is a standard thing that looks a certain way and does a certain thing, limiting quality to the model of the hearse or the number of limousines. So my fear would be the local authority sets a 'standard' funeral (one hearse, one limousine, wooden coffin etc), goes for the lowest price when it comes to the tender, and the public are glad they are getting an opportunity for a better deal but with no sense of how good the experience could have been. But if these issues can be worked through, I think it's a good option for the public and should certainly improve competition in the market. If tendering were to be a remedy, referring to question 49 my view would be that it start as a recommendation to Local Authorities so the most enthusiastic can start to set best practice.

I don't think anyone is surprised that the choice of funeral package made by customers is not strongly correlated with level of income or deprivation. This is a time in people's lives where they are out of their body and mind. They are doing their best to do what is right and proper. Empowered and informed people will always exercise their power. People who are not empowered or informed will always be led by society's subtle messaging about what love looks like and what right and proper looks like. Hence why there's an education job to challenge these norms which are serving no one. What is a good funeral? It will look slightly different for each individual. I know that's not the CMA's scope - the focus for you is on the market. But as funeral directors our ambitions should be wider. We should be striving for the best for our clients. I am hopeful and confident that there is a way for the more liberal remedies to improve the baseline to make sure no funeral director slips below the standard of what is acceptable for their clients, whilst ensuring the door is left wide open for gradual and dramatic improvement in the sector over time.

Thank you again for this opportunity to share our perspectives. I would gladly contribute further if it was possible to be of service.

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