

Funerals Market Investigation Quality Regulation Remedies

Remedy selection

108. Yes, I agree that the focus of quality regulation on Funeral Directors would be most effective.

Please explain your answer.

The Funeral Homes manage and organise many aspects of the overall family service all of which incur disbursements and involve back house procedures. They work with vulnerable individuals and take on the important task of caring for the deceased. There are many areas of care and families don't always benefit from being able to make well informed decisions. Any problems can have a very serious impact and can give rise to consumer detriment by virtue of vulnerabilities.

109. Yes, but front house quality regulation is as important. Staff need to be trained fully to recognise vulnerability, options of disbursement costs need to be flexible, for eg: from the cheapest coffin to the more expensive

110. Having read the report the remedies outlined are no less than I had expected when I heard that the investigation was being extended. As [REDACTED] to the industry I have seen gaps in matters of consumer protection [REDACTED] This includes staff training in vulnerable consumers, no vulnerability policy and failure to have data processing agreements in place – yet handing over personal data to numerous third-party providers.

111. In addition to back house and areas outlined there should be an emphasis on the regulation of client and family vulnerability with specific policy and training in place, also data protection requirements, CAP Code and ASA compliance, simple terms of business, options to change service provider and transparency in costs and disbursements.

Remedy design

112. Outcomes based would be far more effective than rules based. Key lines of enquiry like those used by CQC could be applied however relevant legislation should also form part of the overall fit and proper considerations.

113. A quality regime across all aspects of the service from initial contact, transparency, advisory, planned and on-demand. Storing, refrigeration, access to viewing, embalming, choice of coffins, flexible options for florists, clergy, and celebrants with full transparency of cost and freedom to choose to open-up healthy competition. Also consider matters of client accounting, money laundering, bribery.

Funeral Homes tend to recommend a set florist and also retain the same celebrants, there are certain detriments that arise including the Funeral Home setting costs that could be reduced where families are extended the option to choose independently. The notion that the family are in no fit state to make choices is not the case, families really want to do their best, this involves access to options that align to the family's needs and access to funding.

Table 1

- (a) Is refrigeration necessary for the appropriate care of the deceased?
I am not trained in the storage my area is regulation, compliance law and officiating.
- (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?

I am not trained in the storage my area is regulation, compliance law and officiating.

- (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)?

I am not trained in the storage my area is regulation, compliance law and officiating however on a personal level I would certainly wish my relative to be stored within a separate unit.

- (d) Should training and/or education be mandatory?

Yes in addition to on the job training; classroom based, consumer based training, data protection, vulnerable consumer training and due diligence training when appointing third party suppliers – checking public liability insurance, vulnerable policy, registration with ICO, relevant training.

Please explain your answer. 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?

Staff who are family facing depending upon their position within the business with relevant and formal FD qualifications, relevant front of house (eg admin, policy, DP and due diligence etc) NVQ and backhouse training of the relevant qualifications required for the specific job role. Management to understand the importance of data protection, sharing sensitive personal data with third party suppliers, vulnerability, fair terms of business, transparency, and other areas of statutory protection.

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

Can't comment

- (iii) (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?

This need to be flexible and not underpinned by target hours as this can be counter productive. A system of self-assessment within the management structure and fully documented evidence of relevant training whether classroom based, observed or on the job.

- (iv) (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)?

There needs to be a specified appointment for the overall controlled functions of the business and the responsibility to evidence compliance for example a registered funeral manager (CQC). The problem with this is the cost to implement, prices should be affected which is why I have commented about opening-up competition between third party suppliers.

- (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?

Yes absolutely. It is pointless recommending regulation without having a robust complaints strategy in place whereby a complaint can be escalated. I have witnessed complaints within regulated businesses drive quality to greater levels and result in significant improvements across sectors.

114. 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.

It would be more cost effective to be regulated by a single UK wide regulator. The emerging regime will need to be aligned to the findings of this investigation. The alternative would be for a body to regulate England and Wales with Scotland remaining separate. As a single regulator there may be conflicting statutory regimes.

- (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?

They shouldn't have a role other than to embrace and provide ongoing regulatory updates to its members.

Please explain your answer.

Conflict of interest, perception that regulation would remain non-mandatory and a vision that you comply by being accepted to the relevant codes.

115. Both

If both, what should be the respective obligations of individuals and businesses?

Business to comply with relevant statutory regimes, fit and proper tests around all aspects of the business and to then have a licensed registered manager who is responsible for the overall compliance

116. *Cost of regulation, benefits of regulation and effects of regulation on competition, the quality and care or KLOE's (ref CQC). To be a 2 Tier model like other regulatory regimes assessed by turnover, number of branches and number of staff. Regulation to be reasonable to the scale and size of the business so not to create additional detriment to the end users, detriment to innovation, entry and expansion.*

- (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.

Regulator

An initial License application fee based on which tier the business falls to.

A further fee based upon turnover for the previous 12 months for 12 months duration.

Annual renewal also based on turnover.

Complaints Adjudicator

A set adjudicator fee for complaints escalated.

Implementation within the Sector

Cost to appoint specialist compliance advisor

Cost of additional staff or staff down-time to implement regulation

Inspections and Enforcement

Cost of a compliance specialist call out fee for un-announced inspections

Cost arising from down-time due to inspection and managing outcomes of inspection

Cost of any financial penalties

Cost of loss of reputation if enforcement is published similar to CQC register.

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

Is this the cost to the regulator or to the funeral Provider?

If the latter – Fees yet to be determined.

Systems – Depending upon existing providers ability to add on a compliance software bolt-on system

Training - £80 per person per day in classroom training.

Remote Zoom training

In-house on the job training

Advisory and Implementation - £1000 upwards depending on size.

117. No

118. Yes, due to culture and different statutory elements relevant to each.

119. Caring for the deceased to cover all aspects from collection

What to Expect

Open and transparent on Information on Officiant choice, florist choice, coffin supplier choice

Viewing

Re-assignment costs and freedom to choose another provide

Clear costings and payment options

Transparent terms of business and to know how their data will be shared

Access to costs:

Burial plot rates

Cremation Rates

Chapel Rates

Hearse and Limo's

Option to Access Third Party Providers if Requested

Order of Service Choice

Flowers

Visuals

Webcasts

Organ Player

Officiant (Advice on how many services a week they provide to ensure best care and service)

Due Diligence checks on TP Service Providers

If provided by the Funeral Home each cost to be itemised.

Memorials
Urns
Scattering
Delivery of Ashes

-END-

Response by
S K Compliance Consultancy
Compliance Lawyers
Third Party Supplier to the Funeral Industry