



Dear Sirs,

I write on behalf of the Institute of Civil Funerals in response to the Remedies Implication Draft Order Consultation.

We are fully supportive of the recommendations for price transparency, registration and regulation for funeral directors. Indeed, we would welcome the same level of scrutiny for civil funeral celebrants and would be happy to have further discussions with you.

However, we must strongly disagree and protest at the final proposed 'Standardised Price List' that funeral directors will be legally required to publish, specifically the element in which celebrant fees are bracketed with ministers' fees under 'Funeral Officiant'. We would also question whether 'disbursements' can be marked up as in your definition of disbursements.

The reason for our protest being that, unlike the clergy, the vast majority of civil funeral celebrants are independent, self-employed, sole-traders who run their own businesses. They set their own fees according to their experience, training, qualifications, perceived worth and location. Civil funeral celebrants and ministers are not comparable as ministers are employed by the Church of England or other faith, who fix their fees with no account for different locations. The time and effort required for such personalisation is far greater than for a standard faith service and every civil celebrant brings a unique touch to his or her professional offering. They offer the 'quality of service' that the CMA found was as important as the cost of the funeral.

Having celebrant's fees set in line with the clergy, or by other means by a funeral director, takes away the core principle of each civil funeral celebrant being self-employed, determining their own fee and arguably is in fact price-fixing.

Additionally, as celebrants are self-employed the current practice for most funeral directors is to pay self-employed celebrants out of disbursements. The CMA definition of disbursements is that "it means costs, such as.....minister or celebrant fees, which are set by a third party to the funeral director and are passed on by the funeral director to the customer, (directly or with a mark-up added)". At times in this consultation and investigation it has been stated that as disbursements are not controlled by funeral directors, they cannot be legislated for. Further, as disbursements are a charge made by a third party, which are paid by the funeral director on behalf of the customer they cannot be included in income by the funeral director. There are also VAT implications for the mark-up element which must complicate accounting procedures for the funeral directors, if nothing else. We also believe that by allowing a mark-up it does not offer the customer clarity over celebrant fees.

We therefore fail to see how celebrant fees can be controlled by funeral directors setting a fixed price for our services. (Minister's fees can be fixed as the C of E does have legislation together with a fixed price list for its services). We also fail to see how disbursement fees can be marked-up.

Further, if funeral directors try to fix fees for celebrants it rather brings in to question whether families will be able to choose a celebrant based on anything other than cost; whether for example, the quality of ceremony and value for money is discussed and whether there could be true competition amongst celebrants and funeral directors to achieve the best outcomes and choice for the consumer.

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Our fear is that some funeral directors may decide on a fixed fee without agreement from the celebrants in their area and that the fee will be based purely on cost, i.e. the lowest, leading to the customer not having the choice and quite possibly receiving an inferior service. There is also the question around the business and practice of individual celebrants being restricted unfairly because of the price they set for their services, or for some celebrants having a monopoly in their area, based purely on cost.

We submit, therefore, that civil celebrant fees cannot be controlled or fixed by funeral directors and therefore cannot be Listed as part of a standardised price list.

We note that in a previous suggested Standard Price List Celebrant fees for an Attended Funeral as an option, had a price range of £x to £x and was separate from minister's fees which was a fixed £x cost. Why can this not be an option again in the April 2021 Standardised Price List?

We would ask that in order to resolve this unequal and unfair situation for funeral celebrant fees:

1. Celebrant fees are separated out from minister's fees on the Additional Funeral Director Products and Services Standardised Price List.
2. Thereafter, they should appear on any price list as "price on request" as per the precedent set by 'specific religious or cultural requirements' or
3. If a price must be shown, the fees should be shown in a range from £x to £x as per the earlier 2020 illustration of a Standardised Price List.
 - a) If this option is taken, we remain concerned that customers, without any sufficient understanding of why there are different price points, will be guided towards the lowest price which may not in fact give them the best quality service.

The "price on request" solution would allow the funeral directors to discuss the matter of the funeral ceremony where families do not want a religious approach, much as they currently do, offering choice and personalisation to the consumer. It would also allow celebrants to set their own fees accordingly and to have control over their own businesses and livelihoods without restrictions, unfair competition and possible monopolies.

We hope that you will consider our concerns of your proposed price lists and also our counter-proposals.

Yours faithfully,

Susan Holden, Chair of the Institute of Civil Funerals
Council of Management