

FUNERALS MARKET INVESTIGATION

The Funerals Market Investigation Order 2021

Consultation questions

We are seeking written representations on the whole of the Draft Order and draft Explanatory Note. However, to assist interested persons in making written representations, we have set out below some questions on areas we are particularly interested in obtaining views.

1. Is the Standardised Price List (see Part A to Schedule 1 of the draft Order) appropriately presented?

I have attached a completed version of the Standardised Price List as we would publish. My immediate thought is that it's not clear if the £1,795.00 is the total of the elements below it, or whether the elements below it are in addition to the £1,795.00. We have assumed that £1,795.00 is the total of the elements. Would it be clearer for the £1,795.00 to be below the elements rather than above them? Traditionally one would expect the total to be at the bottom rather than at the top. You don't send an invoice out with the total at the top, and a breakdown of the costs below the total.

Although I'm a strong advocate of clear online pricing, I'm not convinced the Standardised Price List is particularly clear, because there are so many variables, which can be interpreted differently by each client (and funeral director).

If you were a bereaved client looking for the cost of a funeral, you would not be able to work it out from the Standardised Price List, because, for example, it doesn't include the price of a specific crematorium or cemetery, and because it refers to a footnote which says another fee may be incurred.

It seems strange to publish the price of an unattended cremation including the crematorium fee (but potentially not including a doctor's fee – see my answer to question 3), but an unattended burial without the interment fee. It makes the burial look cheaper, when in fact it is almost always more expensive.

Note that footnote (1) on the Standardised Price List is incorrect. Internment means being imprisoned. Interment means burial.

2. Does the Standardised Price List appropriately describe the items that are included under the Attended Funeral?

Yes, it covers the basic elements of a funeral. However, breaking pricing down in this way could lead a client to say “I’ll take care of the legal and administrative arrangements” – which is fine until something goes wrong, at which point the funeral director would need to sort out the problem. This could cause issues with where responsibility lies.

3. Do you agree with the items that are included under the Attended Funeral and Unattended Funeral (see Part B and Part C to Schedule 1 of the draft Order)?

I think these are potentially confusing for clients. See my comments on question 1. Why break down the costs of the Attended Funeral but give an inclusive cost for the same thing for an Unattended Funeral?

Does the Unattended Funeral include a doctor’s fee or not? There is no reference to the footnote, yet in the vast majority of cases the fee needs to be paid. Clients trying to compare like-for-like would not know about this, and funeral directors could choose not to include it in their advertised price, then hit clients with a further charge.

4. Funeral Directors must maintain a register of any material charitable donations, contributions or payment of gratuities. Material has been defined as any individual or cumulative donation, contribution or payment within any 12-month period of £250 or more (see Article 7 of the draft Order and paragraph 71 of the draft Explanatory Note). Is £250 an appropriate de minimis figure?

No. This figure should be zero. It’s not clear whether this refers to gifts (which are prohibited) or just monetary donations. £250 is a lot of doughnuts, or a lot of bunches of flowers. We are fully aware of both being openly taken to local nursing homes on a regular basis, and this will continue if the figure is not set at zero, making the regulation pointless.

5. Crematorium Operators must provide price information to local funeral directors and customers on a Crematorium Standard Fee Attended Service; a Crematorium Unattended Service if offered by the Crematorium Operator; and a Crematorium Reduced Fee Attended Service if offered by the Crematorium Operator (see Article 8(5) of the draft Order). Do these names appropriately identify the three services?

Yes, but crematoria need to publish inclusive prices. Many currently publish a price which does not include the Environmental Surcharge, which has to be added to every cremation price. If clients are not aware of this, they could be comparing different prices.

6. Articles 9 and 10 of the Order require Funeral Directors with five or more branches and ten or more branches to provide certain information to the CMA. Schedule B and Schedule C to the Explanatory Note list funeral directors with five or more branches and ten or more branches respectively. Please inform us if you consider your own or another Funeral Director business is erroneously included or excluded from the lists in these schedules.
7. If a party is aware that it is not compliant with any part of the Order, it must report this non-compliance to the CMA within 14 days of becoming aware it is not compliant (see Article 11(6) of the draft Order). Is 14 days sufficient time for parties to report non-compliance to the CMA? If not, please give reasons.

14 days is sufficient, but the requirement is surely meaningless, because a party can always say it wasn't aware! The inability of the funeral profession to self-regulate is the reason the CMA became involved in the first place, so this requirement seems somewhat futile.

8. The substantive requirements of the Order will come into force three months after the Order is made. Does this allow sufficient time for parties to make the necessary changes to their systems and processes so that they are in a position to comply with the requirements of the Order? If not, please give reasons.

Yes, more than enough time. Funeral directors have known for a long time that the requirement to publish prices online will come into force, yet the trade associations have been completely ineffectual at encouraging this, meaning that many funeral directors have done nothing about it. Only a well-policed, enforced requirement will stand any chance of making it happen. The sooner the better.