

FUNERALS MARKET INVESTIGATION

COMMENTS FOLLOWING RECEIPT OF DRAFT ORDER BY MARK ADAMS, ON BEHALF OF MIDCOUNTRIES CO-OPERATIVE FUNERALCARE

The Funerals Market Investigation Order 2021

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

We believe that the presentation could be improved upon in a number of ways.

We believe that there is an omission of any wording inferring funeral directors act as a co-ordinator on the day of the funeral, and this should form part of professional services, which is also omitted. The funeral director's role involves ensuring all of the constituent parts of an arrangement get delivered as the customer would want. The funeral director would also have to have facilities and colleagues to provide a 24 hour service-none of the current categories allows for this to be transparently factored in, so we would suggest inclusion of 'Professional Services' and 'Attendance on the day' be included in the headings.

The wording in respect of the advice around additional price lists infers that a funeral provider is obliged to detail prices of everything they offer, and not the products the client themselves requests. Whilst some clients are aware of particular products and services, the majority are unfamiliar with the wide spectrum of alternatives. A fulfilling funeral arrangement may involve matching specific available items to the client or deceased following advice from the colleague arranging the funeral, and the identification of this can only be achieved through conversation and consultation. The price may not be known at the time of enquiry, and thus this stipulation would lead to decreased client choice as funeral directors would be inclined to limit products offered to stay within the regulation. This will likewise lead to unfulfilled clients who would be deprived of sector knowledge and advice during arrangement.

The stipulation of drive times and distances in the definition will cause problems. In urban environments, this would naturally encompass multiple venues, all with individual pricing and framework. In the attempt to make things clear and simple for clients, including variables in venues and indeed these charges (which are standard no matter which funeral director a client uses) will in fact confuse the public. This is particularly acute in certain burial fees that may or may not be in scope with different venues-the variables in existence are huge. We believe that standard framework on pricing should include charges relating to the funeral director only-these the firms can control, whilst third parties can increase pricing ad hoc and this will only lead to non-compliance and onerous checking of a multitude of third party charges for the purposes of fulfilling the framework

The displaying of the multitude of information both in windows and in branch (and in every area where arrangements are made) at the sizes proscribed is oppressive and unnecessary

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

No.

Please use the correct spelling of 'interment'.

Please clarify the term 'disbursement', and whether it only includes essential core items that are passed on to clients without margin (eg crematorium fees) or includes elements which contain margin (such as floral tributes that may be supplied to clients and arranged in a funeral home)

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)?

The wording around the unattended funeral implies that there is always a funeral service at a later date-this isn't always the case, as it is not pre-requisite to have any service at all. For clarity in the wording of the unattended service, additionally we would request that wording stating that the venue, day and time of the unattended funeral be of the Funeral Director's choosing.

In 'Fees You Must Pay', the wording around additional interments and specifically 'you will need to pay a removal and replacement fee' - this is not always the case, so the word 'will' should be replaced with 'may'.

It is our opinion that the inclusion of make and model of vehicles in the standardised price list should be removed. Many funeral directors operate using carriage masters who will have a range of vehicles in their offer. In addition, some firms have a blend of vehicles that serve their branch network. Committing on paper to a specific make and model would leave Funeral Directors open to challenge as this is likely to form part of a contract that a client could dispute when in receipt of their account. Measures to ensure exclusivity of vehicle will drive cost into a vehicle provider's business that would ultimately be passed on to clients. It would be sufficient to say 'an appropriate specialist funeral vehicle'.

We believe that the placement of pallbearers in the additional charges section is incorrect and should feature in the regular charges as a standard. The reasoning for this lies in the fact that there are health and safety implications when handling a deceased, particularly in a burial setting. Untrained clients would expect to be at least supported through any involvement of them handling coffins and deceased. We have a duty of care to ensure the safety of the public and the dignity of the deceased, and would urge the provision of necessary staff to convey the deceased from a vehicle to their final resting place on the day of the funeral to feature in standard charges.

An officiant is a disbursement charge and therefore needs to be included in that section, not within the funeral provider's 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?

I am unsure whether the term 'donations' includes charitable donations handled on behalf of clients and processed on to the charity, or whether this only includes monies paid separately to these as a 'gift'. More clarity is needed in the wording.

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? N?A

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.

Response: Midcounties Co-operative Funeralcare is accurately included in the lists in the 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 that 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.

If the order includes the publishing of the large amount of possible charges relating to additional products and variety of venue charges then we believe it isn't long enough. The reason being is that in order to comply it is necessary to gather updated information from third parties and if that isn't possible through no fault of the funeral director (for example, if a parish office which is manned part time is uncontactable) then time is tight to amend displayed price lists in branch when the information is known and becomes available

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

If the decision around the additional pricing list is upheld, and the need for local venue information to be displayed is likewise upheld, the three month implementation period is too short. The collection of data will need to be branch specific, so bespoke price lists produced following collection of the necessary information. There are further issues if the variety of venues that the branch in question are obliged to detail are a mix of local authority and privately-owned venues. The branch could find that one venue's prices get adjusted in January, and others in April according to which accounting calendar they may use. This leads to onerous printing costs for the funeral service which likewise would be passed on to the clients. Larger firms would probably incur extra salaries to deal with the constant monitoring of the data-these costs will likely be passed on to the client.

OTHER QUESTIONS AND OBSERVATIONS

It is part of our Corporate and Social Responsibility programme that we give colleagues 3 days a year volunteering per year. This outreach can be used for a variety of tasks, some of which would include volunteering labour to maintain nursing establishments. There needs to be clarity on whether this falls in or out of scope in respect of inducements.

Please can there be clarity around whether partner credit providers' charges need to be displayed within the regulation rules around displaying interest charges to clients

We have concerns over the proposed regulation in respect of pricing and the 2 click rule for transparency. For providers with multiple branches this will more than likely lead to changes to website structures to facilitate this. Pricing may vary according to location to reflect differences in overheads, and it is very difficult to display this in line with the proposed regulations.