

James Henry Funeral Services

From: Daniel Turnbull

*Senior Director, Markets*

17 October 2024

## **James Henry Funeral Services' breach of the Funerals Market Investigation Order 2021**

I am writing to you on behalf of the Competition and Markets Authority (CMA) concerning James Henry Funeral Services' failure to comply with the [Funerals Market Investigation Order 2021](#) (the Order).

This letter, and the directions given within it pursuant to *Article 13(2) of the Order*, will be published on the CMA's website for transparency.

### **The Order**

The Order introduced a range of new legal obligations on funeral directors to tackle the problems identified by the CMA in its market investigation (the final report of which can be accessed [here](#)). The report identified a number of concerns with the sector, such as the way that information was provided to customers that made it hard for families to compare prices and choose the right funeral director for them. The CMA expects all funeral directors to comply with the Order. On 27 January 2023, the CMA issued [guidance](#) to support funeral directors and crematorium operators in achieving compliance with the Order.

### **James Henry Funeral Services' engagement with the CMA**

On 23 January 2024, the CMA wrote to you to explain that James Henry Funeral Services may have been in breach of *Article 3 of the Order*. This relates to James Henry Funeral Services' failure to display the required price information on its website (<https://www.jameshenryfunerals.co.uk/>).

On 9 August 2024, the CMA wrote to you to explain the extent to which the breaches identified in the 23 January 2024 letter had been remedied and listed the outstanding areas that required further action to achieve full compliance with the Order.

On 21 August 2024, James Henry Funeral Services wrote to the CMA confirming that “the price list” had been added to their website. Whilst the CMA notes that the Standardised Price List had since been displayed on your website, it did not use the exact terms and structure set out in Part A of Schedule 1 to the Order.

On 27 September 2024, the CMA wrote to you to explain that you had not rectified the Standardised Price List displayed on your website to use the exact terms and structure set out in Part A of Schedule 1 to the Order. The CMA also explained that your website referred to the provision of services, such as flower tributes and monuments, from third party suppliers but the prices for these services were not individually displayed on an Additional Options Price List, and that your website did not display local crematoria pricing as required in *Articles 8(5) and 8(6) of the Order*.

On 27 September 2024, the CMA informed you of its intention to issue a public letter and listed the outstanding areas that required further action. The CMA also offered to contact you by phone for any questions you might have had regarding your outstanding breaches or the upcoming publication. However, you did not take up this offer.

On 30 September 2024, you wrote to the CMA stating that ‘I confirm that these changes will be made by end of business today’, but only some changes were made.

More than 8 months since the CMA first brought James Henry Funeral Services’ breaches to your attention and despite the feedback provided to you on several occasions, you have still not fully remedied the breaches as of the date of this letter

### **The CMA’s concerns**

Customers accessing funerals services are often in a vulnerable state and it is important for them to understand how much a funeral costs so they can compare the prices and services offered by different funeral directors. The CMA is concerned that James Henry Funeral Services’ ongoing failure to display the required price information on its website does not afford customers the ability to do so effectively.

It is difficult to know how many consumers were affected by the breaches concerned because we are unable to determine how many consumers have accessed the James Henry Funeral Services website while it has not been compliant with the Order. However, we believe that a notable number of consumers will have been affected, as the breach appears to have been ongoing since at least 19 December 2023.

### **The breaches**

The CMA was concerned that James Henry Funeral Service was in breach of the following requirements of the Order:

- The **Standardised Price List**, according to *Article 3(1)(a) of the Order*, which must use the exact terms and structure set out in Part A of Schedule 1 to this Order.

- The **Additional Options Price List**, according to *Article 3(1)(b) of the Order*, which is an itemised price list of all the products and services that a funeral director offers to customers that are not included in the Standardised Price List in the section labelled 'Additional Funeral Director Products and Services', some of which may have traditionally been treated as disbursements. This does not include any products and services provided on request by a customer which are typically not offered by that funeral director to customers on their website or in their branches (e.g. bespoke items).
- The **crematoria pricing information**, according to *Article 3(1)(c) of the Order*, which must include the information required in *Articles 8(5) and 8(6) of the Order*. Specifically, the crematoria price information must be displayed on your website covering the following types of service: 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). In the 23 January 2024 letter, the CMA required you to confirm whether you had been provided with price information from any local crematorium operators (as specified in *Article 8 of the Order*), which you did not address in any subsequent communication with the CMA.
- **Terms of business**, according to *Article 4 of the Order*, if customers are required to pay a deposit or charges for late payment of sums due. In the 23 January 2024 letter, the CMA required you to confirm whether you required customers to pay a deposit or charges for late payment of sums due, which you did not address in any subsequent communication with the CMA.

### **What you need to do now**

The CMA notes that you have taken further steps in the last few weeks to address the above breaches, including now displaying crematoria pricing information and terms of business. However, there remain some outstanding issues. The CMA now expects you to do the following comply with your legally binding obligations under the Order. Please display on your website an **Additional Options Price List**, according to *Article 3(1)(b) of the Order*, which is an itemised price list of all the products and services that you offer to customers on your websites or in your branches that are not included in the Standardised Price List. This should include price information on services such as floral tributes and monuments, that you offer through third party suppliers. The price information for these services can also be displayed as a starting from price or as a range.

### **CMA assessment and next steps**

The CMA is committed to ensuring all funeral directors comply with the Order so that consumers across the United Kingdom are in a position to make informed choices regarding funeral services and products.

The CMA expects you to take the necessary steps to become compliant within three weeks to avoid further enforcement action. The CMA will monitor James Henry Funeral Services' compliance with the Order and reserves the right to take further action if the above directions are not implemented in a timely manner.

If you have any queries about this letter, please contact me using the email address below.

Yours sincerely,

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