Ministry of Justice
Vulnerability Policy Unit
Family and Criminal Justice Policy Directorate
7th Floor 102 Petty France
London
SW1H 9AJ
cics-review@justice.gov.uk

Criminal Injuries Compensation Scheme Review 2020

About the National Association of Funeral Directors (NAFD)

The National Association of Funeral Directors is the largest and most inclusive trade association for the UK funeral profession. It represents the interests of the entire spectrum of funeral directing businesses – including independent and family owned firms, co-operatives and major funeral groups – and has more than 4,100 UK funeral homes in membership. Between them, NAFD member firms conduct the vast majority of UK funerals each year.

Please find below our response to the Criminal Injuries Compensation Scheme Review 2020 report. We have confined our comments to the proposals most relevant to our members and the families they serve, namely the proposals relating to funeral payments within the scheme.

We would be delighted to expand upon these points in more detail, in order that you may build a comprehensive picture of the profession's view on how the scheme, and other similar schemes, could be improved for the benefit of all.

Response to consultation questions

What are your views on the proposal to change the approach to funeral payments within the Scheme, introducing a new single payment of £4,500?

We strongly support the proposal to replace the discretionary element of the existing scheme with an increase in the flat rate. This will make the scheme much easier for applicants to understand and will particularly benefit those with limited means who might otherwise have been deterred by the requirement to justify their expenditure and produce receipts.

However, we note that the maximum award available to claimants will actually be reduced under the proposed system and are concerned that this will be to the detriment of recipients living in some areas of the country where the total cost of a funeral tends to be particularly high.

We also think that the scheme should aim to achieve fair outcomes wherever practicable. With cremation fees varying so widely across the United Kingdom, this cannot be achieved by a single flat rate for the entire country. For example, in January 2020, the basic cremation fee in South West Middlesex was £535.00, contrasted with £1,070.00 in Northampton.[1] Therefore, under the proposed scheme, an applicant arranging a cremation funeral in Northampton would receive £535.00 less support towards the cost of the funeral itself than someone living in South West Middlesex. This seems unfair.

[1] Statistics published by the Cremation Society of Great Britain in 2020: https://www.cremation.org.uk/content/files/Stats%202020%20-%20FINAL%20PDF%20for%20website.pdf

In our view, a much fairer approach would be to treat the cost of burial or cremation as separate from the single payment, and cover this in full. While funeral directors' fees and other associated costs (e.g. celebrant fees) can vary depending on the geographical location, these variations tend not to be as stark as the differences between cemetery/crematoria fees in different parts of the country. Separating the award in this way would therefore significantly mitigate the risk of significantly unfair outcomes. Indeed, a similar mechanism is already deployed by the government and working well for the purposes of payments from both the Children's Funeral Fund and Social Fund Funeral Expense Payments.

We accept that the proposed value of the flat award would need to be reduced in order to enable the cremation/burial fee to be treated in this way, which will lead to some applicants receiving less money than they otherwise would have, but believe this would be a much fairer way of distributing the total money paid out under the scheme.

What are your views on the proposal to the Scheme as to how a single funeral payment can be made?

As set out above, we support the proposal to make a single payment to the applicant in respect of all funeral costs other than the burial or cremation fee. We do however believe a separate uncapped payment should be made to the burial or cremation authority in respect of the burial or cremation fee.

We assume the intention is not be to permit individuals who also meet the eligibility requirements for a Social Fund Funeral Expense Payment to make concurrent claims under both schemes. Unless we are mistaken in this regard, an additional benefit of treating the burial or cremation fee as separate from the other funeral costs, and paying these to the relevant burial or cremation authority directly, would be to mitigate the risk of funeral directors being forced to turn away applicants who do not otherwise have sufficient funds to pay for the funeral.

This risk will be most acute following mass fatality incidents, where funeral directing businesses could be called upon to service multiple funerals in close succession. In such circumstances, businesses will more likely be able to accommodate delayed payment of their own fees if they are not also required to meet the cost of burial or cremation on behalf of their client.