



Competition and Markets Authority

Funerals Market Order 2021



Third Frequently Asked Questions

August 2021



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These have been checked with/answered by the CMA

Standardised Price List

Q: Can we send the CMA our draft price lists to make sure we are on the right track?

A: The CMA is unable to provide advice or review draft price lists. You must read the Order and Explanatory List in full to understand how to comply with the requirements of the Order.

Q: In terms of devolved administrations and funerals of different faiths, as there are significant differences to the traditions, customs and practices in relation to a funeral, how can the SPL accommodate these variances?

A: The Standardised Price List includes the following disclosure to encourage customers to discuss any specific requirements with the funeral director - Please discuss any specific religious, belief-based and/or cultural requirements that you have with the funeral director.

Q: How can a typical burial cost be defined when the prices vary so greatly. Commercially aware FDs will probably state the costs of the cheap parish council cemetery which may be less than half the County Council cemetery prices. What price do I quote?

A: You are required to display a range for the burial fee based on the information provided in paragraph 154 of the Explanatory Note.

Q: When calculating local area burial costs for the SPL, are churchyards included/excluded?

A: Churchyards should be included in the range of interment/burial fees shown on the Standardised Price List. The burial fee should include the fee for digging and filling in the grave (if that is a separate charge). The funeral director can explain to customers the restrictions on who can be buried in churchyards.

Q: We would like to add “within a local area” to the product line associated with “Collection and delivery of ashes”, since a surcharge may apply to customer requests which are outside of the local area. Is this acceptable?

A: No. The Standardised Price List must use the terms and format set out in Part A of Schedule 1 to the Order. If you levy a surcharge for customers that are outside of the local area, this should be included in the Additional Options Price List and discussed with customers where this is relevant.

Q: Is using the SPL mandatory? We offer very similar packages, could we publish those instead?

Yes. You must display the Standardised Price List in your branch window, inside your branch and on your website. The Order does not prohibit you from displaying the prices and details of similar or different packages to the elements required to be displayed on the Standardised Price List. These can be displayed in addition to the Standardised Price List and should be included on the Additional Price List.

Q: When specifying the coffin, veneer can be both foil or wood effect – these differ in price. How will consumers know whether they are comparing like with like?

A: Funeral directors are required to insert a description of the coffin on the Standardised Price List. This description, as well as the price of the coffin, will enable customers to compare the price and quality of coffin offered by different funeral directors.

Q: If a customer contacts a funeral director and requests a funeral which does not fit within the specifications of the Attended funeral - i.e. they wish the funeral to leave from a private home, or to hold a service in church - is it acceptable not to offer the CMA attended funeral because it does not fulfil their requirements?

A: A funeral director is required to offer the CMA Attended Funeral and, if a customer wishes to purchase it, must supply it to the customer. However, this does not prevent the funeral director from offering other products, services or packages if the CMA Attended Funeral does not meet the customer's needs.

Q: Is 'local' is defined in the same way for burial costs as for crematoria?

The local area is not defined in the Order for the purposes of calculating the burial fee. It is for the funeral director to determine the local area.

Q: In the 'Fees you must pay' box, for an attended cremation the cremation fee is = £x Is this the lowest price or the normal midday price?

A: This has been answered in a previous FAQ. Please refer to the July FAQ document on the NAFD's CMA Order webpage.

Q: Is it acceptable to show prices ranging from £X to £Y for 'local' crematoriums and cemeteries, where you have a number of different local crematoria and cemeteries in the 'Fees you must pay' section.

A: Yes.

Q: What is the minimum change required for a funeral to no longer be categorised as a CMA Attended/Unattended funeral? It is any divergence from the SPL (e.g. an upgraded coffin, embalming?)

A: If a customer requests any product or service that is not included in the CMA Attended or Unattended Funeral (as described in Parts C and D of Schedule 1 of the Order), this funeral should no longer be categorised as a CMA Attended or Unattended Funeral.

Q: Why is there no space in the funeral directors costs section of the SPL for the services provided on the day of the funeral – it sounds as though our services end on arrival at the funeral venue – won't this confuse the public?

This has been answered on previous FAQs.

Q: My 'Direct To Cremation' cost uses a crematorium that is more than 30 minutes away as the crematorium is cheaper. Do I include the cost of the crematorium I use, or do I need to include the cost of a local crematorium within 30 mins - although it is dearer?

A: You must display the specified price information of all local crematoria. Crematorium operators are required to provide this information to you. Local means a funeral director whose branch is within a 30-minute, cortege-speed driving distance from a crematorium. Where there is not a funeral director within a 30-minute, cortege-speed driving distance from the crematorium, the crematorium operator must provide its price information to the nearest funeral director.. All other crematoria costs and options you offer to customers must be included in the Additional Options Price List.

Q: Can I add the name of my crematorium in the 'fees you must pay' box please?

No. The Standardised Price List must use the terms and format set out in Part A of Schedule 1 to the Order.

Q: As we are prohibited to put £0 against any item in the CMA Standard Price List, we will now be adding a fee for 'Viewing of the deceased person. At the moment, we do not charge for viewing on weekdays, during office hours. Should a client decline the option of viewing the deceased, are we then required to deduct the cost of the viewing from the total package cost of the Attended Funeral?

If a customer does not wish to purchase one or more of the elements included in the CMA Attended Funeral, you can remove these elements at your discretion and apply an appropriate discount to the total price of the CMA Attended Funeral if you choose to do so.

Q: Why has the CMA decided to charge for chapel visits? For those of us who do not ask the family to pay to spend time with their loved one, it sits very uncomfortably with us.

The purpose of providing a headline price for the CMA Attended Funeral, as well as a disaggregated price for the individual elements comprising the CMA Attended Funeral, is to provide customers with a clear idea of the cost of the funeral and what is included in the funeral to enable them to determine whether it meets their needs and budget. The sum of the prices of the individual items of the CMA Attended Funeral must equal the total price of the CMA Attended Funeral.

Q: Do services such as donations handling, assistance with crematorium media displays, printing etc.. form part of the Attended funeral, or are they all considered additional services?

Any products or services that are not included in the description of the CMA Attended Funeral (see Part C of Schedule 1 of the Order) are considered additional services and should be listed in your Additional Options Price List.

Q: Why have you not made any allowance in the standardised pricelist for the costs associated with being a funeral director normally covered under a "professional service" charge - such as rent, utilities, central support services. By not doing so you are forcing FDs to spread these costs across the six elements you have stipulated - but FD's may spread this differently and therefore your goal of providing a like for like comparison will be skewed?

A: The cost of staffing, operational and other costs of running the business should be appropriately allocated to the individual elements of the CMA Attended Funeral. The sum of the prices of the individual items of the CMA Attended Funeral must equal the total price of the CMA Attended Funeral.

Gifts/charitable donations register

Q: With regards to the register of disclosure how far does this have to be back dated? In addition, is the £250 limit applicable to gratuities, materials, and donations or just donations?

It is important to read the Order and Explanatory Notes (see paragraphs 81-89) as all of the information required to comply with this point is provided within the CMA documents. It was also covered in the mailing sent out to all Category A member head offices.

Q: Will the CMA be providing templates for the register of gifts and donations/T&Cs/disclosure information?

The CMA has confirmed it will not be providing these templates.

The Order requires the disclosure of specific information relating to payment terms and not the funeral director's broader terms and conditions.

However, if you wish to update your full terms and conditions, templates can be purchased online – or NAFD members can contact BEB Consultancy for a discounted service, as part of their membership benefits.

Disclosure of interests information are simple statements – no form or template required, but it must be clear and prominent as detailed in the Explanatory Note.

The NAFD is providing a sample charitable donations/gifts register template for the CMA to review and will pass to members as soon as possible.

Q: Do Christmas gifts count as gratuities?

This has been answered in previous FAQs. Yes, all gifts, donations from your company or other gratuities made to other organisations connected to funerals fall within the definitions set out in the Order and should be included on your register if their individual or collective (within 12 months) value is greater than £250.

Information provided by Crematorium Operators

Q: I have 8 crematoria within a 30 minute cortege driving time. Do I need to put 24 headline cremation prices on my A2 poster?

Yes. In order to enable ease of comparison, the CMA has specified a 30-minute cortege driving time radius and all crematoria within that radius from the relevant funeral home must be included.

Q: why are crematoria not being required to publish their prices and those alternative within an operational radius?

The Order requires crematorium operators to provide price information to funeral directors in the local area and to customers on request. They must also display price information at their crematoria and on their websites. They are subject to the same compliance requirements and possible enforcement provisions as funeral directors.

Q: What happens if a crematorium fails to comply with the provision of information to FDs in good time, will FDs be held accountable for this information being missing from their posters?

Crematorium operators are required by the Order to provide this information to funeral directors. They are subject to the same compliance requirements and possible enforcement provisions as funeral directors.

Q: Can we not simply provide a link to the crematorium website price lists via our websites?

The price information must be displayed as specified in the Order in branch and on your website. You may wish to provide links to the crematorium website as well, but this is not required by the Order.

Q: We have several crematoriums and cemeteries that update prices at different times of the year, are we expected to update an A2 price list several which most funeral directors would need to have an external printers to print, which incurs additional charges

A: Yes, within 15 days of being notified of the change. This was answered in detail in the July FAQ document.

Additional Options Price List

Q: What information should/shouldn't go on the Additional Options Price List? Do we include memorial masonry? Our full coffin range? What does 'specifically requested' mean in this context?

This has been answered in the July FAQ document.

Q: Do you HAVE to have an additional price list, or can you simply say that there are no add-ons and it is either the SPL or our bespoke brochure?

A: The Additional Options Price List must include the full range of additional products and services offered by the funeral director that are not included on the Standardised Price List. The full range of additional products and services means all the products and services that the funeral director offers to customers.

This does not include those products and services that the funeral director only provides to customers if they specifically request them. Therefore, your bespoke brochure is permissible if it covers all of the additional products and services which you offer.

Compliance

Q: What happens if we don't comply with these requirements by 16 September?

A: This was answered in the guidance leaflet sent out by the NAFD to all member firm head offices. It also featured as the centre-spread in July's *Funeral Director Monthly*. The CMA has a range of sanctions, including prosecution and will be enforcing these requirements. In addition, all funeral directors must self-report instances of possible breaches of the Order to the CMA within 14 days of the funeral director becoming aware of the breach.

Complying with all applicable laws and publishing your pricing online are also mandatory within the Funeral Director Code – a requirement of NAFD membership.

Q: Will there be a mechanism for funeral directors to inform the CMA of instances of where they or their competitors appear to be in breach of the Order?

A: Please email general.enquiries@cma.gov.uk (with Funerals Market Investigation Order 2021 as the subject of the email) with any evidence of non-compliance with the Order.

Prohibited Practices

Q: Can funeral directors that cover Coroner's Removals leave their stationery, including branch names, locations and contact numbers, or will this be prohibited?

A: Article 6(3) of the Order does not preclude funeral directors from identifying themselves to the bereaved when collecting the body of the deceased, but a funeral director must not actively market their services (eg provide prices or discuss funeral arrangements). Article 6(3) does not prevent a funeral director from providing its services to the bereaved, provided that it does not offer services unless requested to do so by the bereaved.

Q: We arrange training sessions for care home/hospice staff - we invite them into our funeral home for a visit and to ask questions so they aware of what happens once the deceased leaves them - is this now prohibited?

Article 6 of the Order does not prevent the training of third-party staff by a funeral director.

Q: One of the prohibitions of the order is that FD's must not enter into contracts with hospitals, hospices etc which may cause a consumer to select that funeral director over any other. Does this prohibition extend to advertising in hospital bereavement booklets?

Articles 6 and 7 of the Order prohibit arrangements, including any exchange of services with, or payments, benefits or gifts to, a hospital, hospice, care home, provider of bereavement services in a hospital setting or provider of palliative care, or other similar institution (whether contractual or not), which could reasonably be understood to encourage, incentivise or require the institution to refer a customer to a funeral director or give that funeral director preference over other funeral directors.

Advertising in hospital bereavement booklets is not prohibited under the Order unless the arrangement could reasonably be understood to encourage, incentivise or require the institution to refer a customer to a funeral director or give that funeral director preference over other funeral directors.

Q: If an agreement is in place between a third party and FD which signposts clients specifically to that FD, is it the third party, the FD, or both parties, that are in breach of the Order?

A: The Order applies to Funeral Directors and therefore it would be the funeral director that would be in breach of the Order.

Disclosure of information

Q: in terms of disclosure of information, what is the obligation to disclose involvement in a price comparison website? Some of our shareholders personally have shareholdings in a price comparison website, but our company does not. Would there be an obligation for this interest to be disclosed?

A funeral director must disclose any business or material financial interest in a price comparison website which compares funeral services and their respective prices.

Any business or material financial interest in a price comparison website means any ability materially to influence the management, strategic direction or commercial objectives of the price comparison website.

Publishing the required information in branch/online

Q: Does the display of A2 have to be hardcopy? Can a digital display be used, giving much greater flexibility and ease of implementation across branches?

Yes, a digital display is permitted. Please read the Order and Explanatory Notes for details and the June FAQ, which set out the details for this.

Q: Given that printing A2 is beyond the means of most businesses, and crematorium tend to change their prices at different times, and we may be asked to display up to date prices for multiple crematoria, are funeral directors permitted to print individual elements of the SPL on A4 pieces of paper and display them together on an A2 display board?

A: Yes, this is permitted, as long as the overall impact is of one 'clear and prominent' A2 image of the SPL as set out in the Order.

Q: Where a crematorium or cemetery is owned by a funeral director, care home or other organisation from within the funeral sector, are there rules to ensure the two services remain entirely independent with no option for referrals or combined package selling?

The Order does not cover vertical relationships between a crematorium or cemetery and a funeral director, care home or other organisation connected to the funerals sector.

On my web page, where you can click for my SPL can I put a message to the effect that the SPL may not suit your requirements and other options are available?

A: A funeral director is required to offer the CMA Attended Funeral and, if a customer wishes to purchase it, must supply it to the Customer. The SPL must be displayed in a clear and prominent manner as outlined in the Explanatory Note. This means it must be

- (a) legible and written in plain and intelligible language;
- (b) easy to find irrespective of whether it is displayed in a physical format or online;
- (c) prominent within its particular location; and
- (d) brought to the Customer's attention in such a way that the average Customer would be aware of it. This means that a Funeral Director must actively draw the information to the Customer's attention in an appropriate manner.

However, this does not prevent the funeral director from offering other products, services or packages if the CMA Attended Funeral does not meet the customer's needs.

Q: All the prices provided by suppliers, i.e. crematoria, coffins etc are subject to change by the at any point. Is the standardised price list going to have a disclaimer that states prices 'correct as at'and give the date, or must the price list be updated every time a supplier changes their pricing?

A: A funeral director must ensure that the price information displayed under Article 3(1) of the Order, which includes the Standardised Price List, is accurate and up to date.

Payment terms

Q: If a customer states that they have little/no money and I am forced to state my normal terms, am I allowed to ask for payment in full or a deposit on a case by case basis or do I have to refuse to take on the funeral?

A: The Order does not require you to offer specific payment terms. The Order requires you to display the terms of business specified under Article 4 in your branch and on your website.

Q: If we don't offer options for payment (e.g. instalment terms) do we have to state that fact explicitly or could we just omit this?

A: Article 4 of the Order requires you to display in a clear and prominent manner in your branch and on your website details of the following:

- (a) the size of any deposit which is required;
- (b) the times by when any deposit and final balance must be paid;
- (c) the options, including interest charged, which a Funeral Director offers to a Customer in respect of payment of any deposit made and final balance; and
- (d) any charges which the Funeral Director will make for late payment of sums due.

General questions

Q: How many staff within the CMA will be devoted to Funeral Market Investigation Order compliance?

A: The CMA has a team dedicated to monitoring and enforcing compliance with the CMA's Order and Undertakings.

Q: Does CMA Order do anything to prevent burial/cremation operators from repeatedly increasing prices significantly above inflation?

A: The Order does not include any requirements in relation to the prices offered by funeral directors or crematorium operators. However, the CMA is monitoring the sector closely, including prices, and this will feed into the CMA Board's decision on whether to consult on a future market investigation reference at a later date.

Q: What is the logic in requiring a minimum standard of coffin as a wood effect veneer for an unattended funeral, when less expensive alternatives are available which are

structurally sound but maybe less attractive? This may actually increase the cost to the customer more than is necessary.

A: A funeral director can offer other coffin types on its Additional Options Price List.

Q: Is the SPL designed to be a price list or is it just a reflection of costs to a funeral director?

A: The Standardised Price List should reflect the prices a funeral director intends to charge customers for the products and services listed.

Q: When will the design of the SPL and other aspects of the Funerals Market Order be reviewed for their effectiveness?

A: If the CMA decides to conduct another market investigation into the funeral sector, this will involve reviewing the Order.

From time to time, the CMA also reviews the effectiveness of the Orders it has put in place in previous market investigations. The purpose of this review is for the CMA to learn from previous interventions, in order to inform future interventions.

**Don't forget that you
must be compliant on,
or before...**

