

## Competition & Markets Authority (CMA) Legal Order

### Online Pricing: Frequently Asked Questions

*Updated 17/06/21*



### **Why has the CMA made a Legal Order for mandatory online pricing for the funeral profession?**

In 2018, the CMA launched an investigation into practices in the funeral sector amid concerns that consumers were paying too much for a funeral. One of the findings of the investigation was that the public did not shop around for funeral services, resulting in poor competitive pricing amongst businesses. As a result, the CMA has made the legally binding Funerals Market Investigation Order 2021 to help remedy this situation and this focusses on price transparency and access to price information via the internet. SAIF has engaged the CMA throughout the process, standing up for independent firms. For clarity, the Order is being made by an official statutory body and not SAIF. Over the coming months and years, we will support members to achieve compliance and remain on the right side of the law, whilst identifying opportunities to better promote the work you do.

### **What is the CMA Legal Order going to require me to do as a funeral business owner?**

The CMA's Funerals Market Investigation Order 2021 requires funeral directors to display their prices online and in accordance with a [standardised price list](#). The standardised price list must also be in PDF format and on a page that is no more than one mouse click/finger tap away from the home page of your website, to ensure it is easy to find. If you do not have a website but use other online platforms to market your business, the price list must be displayed clearly and prominently on those channels. The CMA does not require funeral directors to display price lists on both websites and social media channels - once it is on your website that will suffice digitally. The price list must also be displayed on A2 size posters in office windows, and larger versions with cremation fees in reception areas of all branches frequented by clients and prospective clients. In addition to price displays, funeral business owners with more than five branches must report revenue and funeral data twice a year to the CMA. SAIF has succeeded in moving the submission dates from January and June to April and October.

It is imperative that all SAIF funeral director members study the [Funerals Market Investigation Order 2021](#) and the accompanying [explanatory notes](#) to ensure compliance.

### **When will I need to comply with the Order?**

The CMA Funerals Market Investigation Order 2021 was made on 16th June 2021. Funeral businesses must be compliant by 16th September 2021.

## **I am without internet skills - how do I get my prices online?**

If you do not have a website, SAIF recommends that you speak to a web developer about possible options, as a website is a platform that allows you to truly stand apart from competitors in the digital age. A number of SAIF Associate members may be able to assist with this work. If you are not ready to establish your own website, then you should upload your price list to [localfuneral.co.uk](http://localfuneral.co.uk) or Funeral Guide, or another open source internet platform, such as a community website or Facebook, as that will meet the requirement. Simply visit [funeralguide.co.uk](http://funeralguide.co.uk) and click on List your business, or go to [localfuneral.co.uk](http://localfuneral.co.uk) and click on Login. Follow the steps on either website to add your business details. For Facebook, Instagram and Twitter, the CMA has not stipulated that the price list needs to be a PDF and therefore a jpeg or png file should suffice. SAIF advises members to 'pin' price information posts to ensure compliance with the clear and prominent requirement.

## **What will happen if I don't comply with the Funerals Market Investigation Order?**

Businesses who refuse to comply with the Legal Order first and foremost face prosecution. This could involve a fine and even imprisonment for up to six months. Additionally, SAIF is duty bound to report offenders to the CMA. The reputational damage to businesses that refuse to follow the new rules would be significant.

## **I'm worried about competitors undercutting me after I put my prices online, how can I prevent a race to the bottom?**

SAIF understands such fears but believes they are unjustified. Modern consumers expect to be able to research products and services online before making purchases. Research has shown that those businesses which are less transparent with pricing are more likely to lose business. Furthermore, evidence from SAIF members who have put their prices online shows no harmful effects. If a competitor wants to know your prices, they will find out regardless of whether they are online.

## **If we all have to follow the same price list, how do I differentiate my offering from other firms?**

SAIF recommends that businesses make space on their website to showcase their offering. Talk about the benefits of your services and what is included in your services in an area close to your price list. It's also important to ensure that your corporate values (i.e. what you stand for, what your vision and mission for bereaved families are) are positioned in a prominent part of your website. Further advice about marketing your business from an online pricing perspective is covered in this [SAIF webinar](#).

## **What if my product offerings do not precisely fit the criteria as set out by the CMA?**

If you offer Attended Funerals you must offer the CMA Attended Funeral as set out in Part C on page 28 of the [Order](#). All other products and services can be listed under an Additional Options Price List. Please consult the SAIF Business Centre if you have concerns.

## **What do I do if I don't offer unattended cremations or burials, sometimes known as direct cremations or burials?**

Members are entitled to not offer certain services and you should amend the standardised price list in accordance with the CMA Order. SAIF members should study the Order and its [explanatory notes](#) for clarification.

## **Do I still need to create a downloadable list if my prices are already online?**

Yes, the CMA has made it mandatory for the standardised price list as set out in the Funerals Market Investigation Order to be presented in PDF format. If it is technically impossible to host the PDF document, the CMA requires you to present the information in html format. The way you present your prices online now has to be compliant with the CMA Order.

## **What is a PDF?**

PDF stands for Portable Document Format and is a type of file used to present information online. Because they tend to be read-only, the end users are unable to edit. If a PDF is unencrypted and you have the full Adobe software package, it is possible to convert the document to Word. From a consumer point of view, PDFs are easy to download and print out, and businesses will be able to include their company logos, name and contact information.

## **Can I get help from SAIF in editing my website or creating a new website?**

SAIF has access to a number of marketing experts who can provide overarching advice on adding your price list to your website or building a website, however, you will need to contract with a supplier to implement cost information if you're unable to do this in-house.

## **How is SAIF going to help me comply?**

We stand ready to assist members as much as possible. We will provide guidance, information and links to other companies and organisations that can help.