



## CMA Order: Getting compliance right

*In the text below, links to further information on third-party websites are underlined and in light blue.*

### **SAIF highlights teething problems with CMA Order compliance**

Research in recent weeks by the team at SAIF Business Centre has found that members are working hard to comply with the Competition and Markets Authority (CMA) Funerals Market Investigation Order. Thank you to funeral directors who have implemented what is in places an unclear piece of regulation.

Where websites have been updated, there are a number of common areas where members are perhaps finding implementing the CMA Order challenging. For example:

**1. The Standardised Price List.** SAIF has found that some businesses have added to or edited elements of the Standardised Price List (Article 3) in a way which breaches the Order. Whilst SAIF accepts that the document may not be reflective of funerals offered by your business prior to the Order being made, it is a legal requirement that you offer Attended and Unattended funerals, as set out by the CMA in addition to your existing services. Further information regarding what you can and can't do in terms of edits to the Standardised Price List can be found on pages 24 to 28 of [the Order](#) and 6, 7 and 8 of the [Explanatory Note](#).

The Standardised Price List should be in PDF format to make it easy for consumers to download and print. If your website is unable to upload a PDF document, you should use HTML, however the vast majority of websites do allow a document such as a PDF to be hyperlinked from a page. When it comes to social media platforms, for example Facebook and Twitter, you should use a PDF files sharing platform and create a link for the document.

**2. One click from the homepage.** One of the requirements of the CMA Order is that information should be displayed in a clear and prominent manner. This includes ensuring information is on a page no more than one click from the home page. SAIF's study of websites revealed that some firms are requiring website visitors to click several times to access the information. The CMA will accept as one click a 'hover-over' navigation bar drop down menu which lists the Standardised Price List and other required information for the viewer then to click on.

**3. Terms of business, disclosure of interests and crematorium information.** In addition to pricing information, businesses are required to display cremation information (Article 8), their terms of business (Article 4) and disclosure of interests (Article 5). Many businesses have uploaded these documents to their websites, however, some are not making it easy to find. Again, this information needs to be in a clear and prominent position, as stated in the Order. The [Explanatory Note](#) states throughout that these sets of information must be displayed on separate PDFs.

**4. Posters in reception areas and office windows.** A number of SAIF members have contacted the Business Centre to raise concerns about rival companies not correctly displaying A2 posters (A3 is acceptable where A2 is

unpracticable) in reception areas and A4 in shop front windows. Whilst SAIF understands the challenges of displaying large posters in premises, there is a real risk of enforcement by the CMA if this requirement is not met, as the central aim of the Order is to improve price transparency for consumers.

**SAIF members are being encouraged to re-check websites to ensure they are compliant with the Order.**

SAIF continues to work closely with funeral directors to support compliance with the CMA Order, while being mindful that the Order is not as clear as it could be. The CMA will be policing members through desk research and mystery shopping, and non-compliance could lead to remedial enforcement action ranging from public letters to court injunctions.

**\*\* If the funeral sector is unable to demonstrate its ability to adhere to this regulation, then we might unwittingly give the authorities the excuse they need to instigate a second funerals market investigation, paving the way for much more stringent price control regulation. \*\***

### **The importance of working together**

SAIF hears regularly from funeral directors who are thinking about reporting alleged non-compliance by competitors. However, we urge businesses to think carefully before doing so, as creating division amongst the independent sector will only strengthen the market positions of the large chains to the detriment of small firms. Now is the time for unity as we navigate this new regulatory landscape. As such, SAIF advises members to send information about non-compliance with the CMA Order to the SAIF Business Centre via [info@saif.org.uk](mailto:info@saif.org.uk), stating how you feel the Order has been breached and the name of the business in question. We will include this information in our monitoring programme as part of our efforts to understand compliance levels across the profession.

Separately, if you are aware of any independent funeral directors that do not belong to SAIF or the NAFD, which are yet to comply with the Order, please [share details with SAIF](#) in order that we might make them aware of the new regulatory landscape. It's entirely possible that these firms have not heard about the Order.