

Equality Impact Assessment Results

Guidance on Funeral Costs

May 2019

Equality Impact Assessment Results

Title of Policy	Guidance on Funeral Costs
Summary of aims and desired outcomes of policy	<p>The overall aim of the guidance is to support transparency in the funeral market to help consumers understand, compare and choose the services that are right for them.</p> <p>It sets out steps that burial authorities, cremation authorities and funeral directors can take to improve transparency and availability of funeral pricing information. While recognising that local authorities are responsible for setting their burial and cremation charges and will take into account local circumstances, the guidance also includes a section specifically for local authorities on charge setting and tackling funeral poverty.</p>
Directorate, Division, Team	Social Security Directorate, Social Security Policy Division, Funeral Poverty Policy Team.

Executive Summary

1. This is a summary of the full Equalities Impact Assessment (EQIA) conducted on the Guidance on Funeral Costs.
2. As one of the 10 actions in the [Funeral Costs Plan](#), the Scottish Government has committed to publish guidance on funeral costs. This guidance sets out steps that burial authorities, cremation authorities and funeral directors can take to improve the transparency and availability of funeral pricing information. While recognising that local authorities are responsible for setting their burial and cremation charges, and will take into account local circumstances, the guidance also includes a section specifically for local authorities on charge setting and tackling funeral poverty.
3. This EQIA has considered the potential effects of the guidance and how it may impact on people with one or more protected characteristics. Our findings are based on a review of published literature, analysis of consultation responses, stakeholder engagement and feedback.
4. We expect that all individuals who have protected characteristics will benefit indirectly from improved availability and transparency of pricing provided by funeral directors, burial authorities and cremation authorities. The guidance may also mean that the public as a whole becomes better aware of funeral options, increasing people's ability to plan ahead and save for their funeral where necessary.
5. We have also concluded that the guidance has the potential to indirectly impact positively on those who have the following protected characteristics:

- **Age and Race** – these particular groups may face difficulties in accessing or understanding available services due to language or other communication barriers. We think that the guidance will indirectly benefit these groups through improving the availability of information from providers in a range of formats. The use of clear, simple and consistent language in relation to funeral costs is also likely to be particularly beneficial for these groups.
- **Religion or Belief** – Pro-active publication of information in a range of formats is expected to have a positive impact for faith groups that require funerals to take place within certain timescales. We expect that the guidance will make it easier for them to access information about these services quickly. This group may also benefit from additional flexibility to undertake more of the responsibility for the funeral themselves where they wish to do.

Background

6. Section 98 of the Burial and Cremation (Scotland) Act 2016¹ makes provision for Scottish Ministers to publish “guidance on the costs associated with making arrangements for a funeral” and that “the guidance may in particular cover the desirability of such costs being affordable”.
7. The Funeral Costs Plan was published on 8 August 2017 setting out 10 actions to tackle funeral poverty. Action 2 of the Plan is to publish Guidance on Funeral Costs.

Funeral costs: context

8. According to the Royal London National Funeral Cost Index Report 2018², the average cost of a funeral in Scotland in 2018 was £3,499. The Sunlife Cost of Dying Report 2018³ indicated a figure of £4,085 as the average cost. These figures include funeral director’s fees and the cost of burial or cremation. They do not take into account additional services such as catering or flowers.
9. The impacts of these costs on people arranging a funeral can be significant. According to Royal London, 12% of people surveyed across the UK said they struggled with funeral costs. This can have longer term impact on people’s finances and on their experience of grief.
10. The Competition and Markets Authority (CMA)⁴ has found that people could save over £1,000 on the cost of a funeral by looking at a range of choices in their local area. Despite this, its research found that only 14% of respondents compared the services of two or more funeral directors when deciding which one to use. The CMA found that people typically choose to use a local funeral director and do not shop around for better prices and services. Instead, they tend to rely either on recommendation by a personal contact or on their own experience. Nevertheless, the CMA’s research suggests that when people do want to compare prices across different funeral directors this can be difficult as prices are often not available online.

¹ <http://www.legislation.gov.uk/asp/2016/20/contents/enacted>

² <https://www.royallondon.com/siteassets/site-docs/media-centre/national-funeral-costs-index-2018.pdf>

³ <https://www.sunlife.co.uk/siteassets/documents/cost-of-dying/cost-of-dying-report-2018.pdf>

⁴ https://assets.publishing.service.gov.uk/media/5c9ba9bf40f0b633f6c52a7e/funerals_market_study_-_final_report.pdf

Policy Aims

11. The guidance focuses on improving the availability and transparency of information about the costs associated with arranging a funeral.
12. While the setting of individual funeral charges is for local authorities and private businesses to determine, the Scottish Government wants to help consumers understand, compare and choose the services that are right for them. In light of this, the guidance sets out steps that funeral directors and burial or cremation authorities can take to help improve the availability and transparency of funeral charges information, to help consumers make informed decisions. The guidance also includes a section specifically for local authorities on charge setting and tackling funeral poverty.
13. The guidance complements other action the Scottish Government has already taken to help encourage people to talk about and plan their own funeral.

Guidance outline

14. The guidance has four sections: for burial authorities, for cremation authorities, for funeral directors, and a section for local authorities in relation to charge setting and tackling funeral poverty.
15. The guidance includes a range of measures to:
 - Encourage burial and cremation authorities and funeral directors to use clear and consistent language and terminology;
 - Encourage burial and cremation authorities and funeral directors to make pricing information available in a number of formats;
 - Encourage crematoriums to display their prices in a way that helps people to understand which services are included in their attended cremation charge (and so are not optional) and which services can be added at an extra cost;
 - Encourage improved transparency of pricing by funeral directors at the point of sale, such as clearly setting out the range and price of available funeral services (including lower-cost options), providing an itemised quote and a final bill;
 - Improve the ability of consumers to compare lower-cost options across different funeral directors by setting out a clear definition of a simple funeral;
 - Encourage burial and cremation authorities to accommodate the wishes of people who do not want to use the full services of a funeral director;
 - Encourage local authorities to take steps to improve public understanding of burial and cremation charges, such as consulting on charge setting, and providing information about expenditure and income for these services. It also suggests local authorities consider sharing and learning from best practice, where appropriate; and
 - Encourage local authorities to take steps to reduce funeral poverty, such as recognising funeral costs as a potential cause of poverty when developing local authority poverty reduction strategies, and supporting people who are struggling with the costs of a funeral.

Who was involved in this EQIA?

16. The Scottish Government established three working groups in early 2018 to explore issues associated with funeral costs and to provide expert knowledge to the guidance drafting process. These working groups included local authorities from a number of areas (including the Shetland Islands Council), the Convention of Scottish Local Authorities (COSLA), private crematoriums, the Institute of Cemetery and Crematorium Management (ICCM), the Federation of Burial and Cremation Authorities (FBCA), the National Association of Funeral Directors (NAFD) and the National Society of Allied and Independent Funeral Directors (SAIF).
17. We also visited individual funeral directors, burial authorities and cremation authorities to better understand cost drivers, business processes and the practical considerations of their work.
18. A 12 week public consultation⁵ on draft guidance ran from 16 August to 8 November 2018. We received 49 responses in total. An independent consultation analysis report⁶ has been published summarising these responses. Respondents represented a broad range of individuals and organisations, including 15 members of the public and the following organisations:
- **funeral directors** – both small independent and large funeral directors; funeral director trade associations (the NAFD and SAIF);
 - **local authorities** - COSLA, and individual local authorities; and
 - **third sector organisations** - Citizens Advice Scotland, Age Scotland, Marie Curie, and the Church and Society Council of the Church of Scotland.
19. The consultation asked for views about any potential impacts, either positive or negative, that the draft guidance may have on people who may be differently affected in relation to the protected characteristics defined in the Equality Act 2010⁷. Of the 49 consultation responses, 30 (61.2%) responded to this question⁸. Overall, most respondents did not identify any potential impacts, either positive or negative, on people with protected characteristics. Several respondents acknowledged that any guidance which sought to improve access to affordable funerals was universally positive, and welcomed any proposals which may reduce stress for people at a difficult time and that could empower people to understand and compare costs. The main comments received in relation to potential impacts on people with protected characteristics focused on faith groups and religion. These are discussed later in this document.
20. Alongside the public consultation, we held discussions with stakeholders, including SAIF, NAFD, Dignity Funerals Ltd, Dundee Funeral Poverty Action Group, Roucan Loch Crematorium, local authorities (including the Scottish Bereavement Benchmarking Group), a Muslim community representative; the Scottish Working Group on Funeral Poverty, and a number of independent funeral directors. A detailed discussion about potential equality impacts was also undertaken with the Scottish Government's Funeral Poverty Reference Group⁹, which has representation from a wide range of stakeholders including representatives of different faiths and older people.

⁵ Draft statutory guidance on funeral costs: consultation - <https://www.gov.scot/Publications/2018/08/2257>

⁶ <https://www.gov.scot/publications/draft-guidance-funeral-costs-analysis-consultation-responses/>

⁷ Equality Act 2010 - <https://www.legislation.gov.uk/ukpga/2010/15/contents>

⁸ Published responses to the consultation on draft statutory guidance on funeral costs - https://consult.gov.scot/social-security/statutory-guidance-on-funeral-costs/consultation/published_select_respondent

⁹ Funeral Poverty Reference Group - <https://www.gov.scot/groups/funeral-poverty-and-funeral-expense-assistance-reference-group/>. Minutes of the discussion are available at: <https://www.gov.scot/publications/funeral-payment-and-funeral-poverty-reference-group-minutes-september-2018/>

21. Scottish Government officials from various directorates were also consulted while developing the guidance, primarily from Public Health Division, Community Analysis Division, Consumer and Competition Policy Unit, and Local Government and Analytical Services Division. We also involved the Inspector of Funeral Directors and Inspector of Cremation.
22. Through this consultation and engagement, we were able to identify and explore specific issues and circumstances that might result in the guidance having a different impact on particular groups. This process enabled us to adjust the draft guidance, where appropriate, to address issues raised.

Key findings

23. The Scottish Government has concluded that this guidance on funeral costs will indirectly impact positively on people with protected characteristics associated with age and race. These particular groups may face difficulties in accessing or understanding available services due to language or other communication barriers. The use of clear and simple language in relation to funeral costs is likely to be particularly beneficial for these groups, as is improving the availability of information from providers in a range of formats.
24. We also expect there to be an indirect positive impact on people with protected characteristics associated with religion or belief. Pro-active publication of information in an accessible format could make it more quickly available, benefiting people whose faith requires funerals to take place within certain timescales.
25. In addition, we have concluded that all individuals who have protected characteristics will benefit indirectly from improved transparency, consistency and availability of funeral cost information provided by funeral directors, burial authorities and cremation authorities. The guidance may also mean that the public as a whole becomes better aware of funeral options, increasing people's ability to plan ahead and save for their funeral where necessary.

Age

26. One respondent to our consultation suggested that older people may find it more difficult to access the required information on funeral costs, particularly information provided online. During other engagement it was suggested that the Scottish Government should consider age in general, and not only older people, with regard to accessibility and format of the information provided.
27. The guidance for funeral directors, burial authorities and cremation authorities encourages clear use of language as well suggesting cost information is made available in a range of formats. This includes provision of online information but also provision of pricing information which can be taken away in hard copy.
28. We expect that provision of this information in a range of formats should mean that people are better able to access this information in a way that they prefer. We think that this is likely to have an indirect positive impact for older people who may not wish to access information online. It may also benefit younger people who may be more likely to wish to access information using mobile devices.

Race

29. We understand that some ethnic minority groups may experience communication barriers, especially where English is a second language.
30. During our engagement, third sector organisations in particular were supportive of the measures set out in the guidance. It has been suggested that these would be especially helpful to this protected group by encouraging the use of clear, consistent language and by encouraging pricing information to be displayed online or provided in a format that can be taken away. This will give people the option to take time to consider the information or ask for clarification about its content from advice organisations or family and friends, which may be helpful for people with English as a second language.
31. We will make translated versions of the guidance available when requested.

Religion or Belief

32. We have sought to understand the varied funeral requirements of different religious and faith communities. Some faiths must arrange a funeral within 24 hours of the person dying; for some faiths the person who has died must be buried (and for some this must be in a single interment burial plot) rather than cremated; while for other faiths the person must be cremated. We also understand that Muslim women may have different roles during the funeral period, including a different grieving period, which may affect their role in arranging the funeral and ability to access funeral cost information. These different requirements mean that average funeral costs will vary amongst faith groups and can have cost implications for the person responsible for paying for the funeral.
33. We asked all local authorities about different charges for faith burials and cremations. Those that responded confirmed that they will accommodate faith requests without extra charges. However, during engagement with stakeholder organisations, it was suggested that faith groups could incur increased costs due to the need to arrange a funeral within a specified time period (for example if a funeral needs to take place at the weekend, which is usually more expensive). In light of this feedback, we have included measures in the guidance for burial and cremation authorities advising that their pricing information should make clear if they levy higher charges at the weekend or on bank holidays.
34. We also heard from some stakeholders that because of the need to arrange a funeral within a specified time period, families may have less time to consider information. Therefore there is potential for the guidance to have a positive impact on faith groups as having cost information available in a variety of formats, including online, could allow them to access this information more quickly. It was also suggested that the provisions in the guidance relating to arranging a funeral without the use of a funeral director may have a positive impact on some faith groups, by making it easier for them to undertake more of the responsibility for the funeral themselves.
35. In terms of potential indirect negative impacts, it was suggested that the definition of the simple funeral set out in the draft guidance may not accommodate specific religious needs. For example, the draft definition included the provision of transport via a hearse or other appropriate vehicle direct to the nearest crematorium or cemetery. It also included the opportunity to hold a service at the cemetery or crematorium. Concerns were raised by the funeral industry and other stakeholders that this would not be compatible with the needs of a family who wished to hold a service or ceremony at a place of worship before the burial or cremation. It was also pointed out

that some faith groups may require a burial at a specific cemetery, rather than at the nearest cemetery to the funeral director's premises.

36. We would like to ensure that families can still choose a simple funeral in cases where additional services or variations are required because of their faith or beliefs. To accommodate this, we have amended the guidance in relation to the simple funeral by including a recommendation that the funeral director should endeavour to accommodate requests for additional services or variations to the simple funeral where these relate to religion, faith or belief. The guidance also recommends that any resulting additional charges are clearly defined and itemised on the written estimate and final account.
37. Overall, in light of the amendments we have made to the guidance following feedback we expect that it will have a positive indirect impact on this group.

Disability

38. We understand that people with disabilities may face certain physical barriers to accessing information about funeral costs, such as inaccessible buildings. They may also face communication barriers, such as information not being available in formats that are suitable for them, or through use of complex language and jargon.
39. We expect that the measures set out in the guidance will indirectly help this protected group by encouraging clear use of language and suggesting that cost information should be available in a range of ways, including in hard copy and online.
40. We will also make the guidance itself available in another format such as large print or braille when requested.

Gender

41. No specific concerns were raised relating to gender-related impacts in our consultation or in discussion with stakeholders and we expect the measures set out in the guidance will indirectly benefit the public as a whole regardless of gender.

Pregnancy & Maternity

42. No specific points were raised relating to pregnancy or maternity in our consultation or in discussion with stakeholders. We expect that all individuals who have protected characteristics, including pregnancy and maternity, will benefit indirectly from improved availability and transparency of pricing information.

Gender Reassignment & Sexual Orientation

43. No specific points were raised relating to pregnancy or maternity-related impacts in our consultation or in discussion with stakeholders. We expect that all individuals who share protected characteristics, including gender reassignment and sexual orientation, will benefit indirectly from improved availability and transparency of pricing information.

Conclusion

44. This EQIA process has identified that the guidance has the potential overall to have indirect positive impacts for those who have protected characteristics. There are particularly likely to be indirect positive impacts for people with protected characteristics associated with age, race, and religion or belief.
45. In general, improved access to information on funeral costs, and greater ability to compare prices, should also help people to make an informed choice of funeral appropriate to their needs and requirements. It may also mean that the public as a whole becomes better aware of funeral options, increasing people's ability to plan ahead and save for their funeral where necessary.

Monitoring & Review

46. The guidance on funeral costs is advisory and will not impose new requirements or conditions on funeral directors, burial authorities or cremation authorities. However, we have worked closely with the funeral industry and local authorities in developing the guidance in order to increase the likelihood that it will be widely adopted.
47. We will publicise the guidance through appropriate channels in order to raise awareness of its existence and we will work with local authorities, funeral directors and burial and cremation authorities to encourage its adoption and implementation.
48. The guidance is a key part of the Scottish Government's work to tackle funeral poverty. We will continue to work across government portfolios to ensure that where appropriate, the guidance is linked into the Scottish Government's wider work on funerals, bereavement policy, and social security policy.
49. We have committed to reviewing the guidance in the future, to ensure that it remains fit for purpose. We will work with local authorities, funeral directors and burial and cremation authorities to collect information about the implementation of the guidance, so that its impact, including on groups with protected characteristics, can be considered. This will allow the guidance to be updated, if necessary, to address any issues identified.

AUTHORISATION

50. I confirm that the impact of the Guidance on Funeral Costs has been sufficiently assessed against the needs of the equality duty:

Ann McVie Deputy Director Social Security Policy Division	Date this version was authorised: 30 April 2019
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