

Independent Inquiry
into the issues raised by
the David Fuller case

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Phase 2 Interim Report – Funeral Sector

Sir Jonathan Michael, Chair of the Inquiry

15 October 2024

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Return to an Address of the Honourable the
House of Commons dated 15 October 2024 for

**Independent Inquiry into the issues
raised by the David Fuller case**

Phase 2 Interim Report – Funeral Sector

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Chair's introduction

I was asked to chair this important Inquiry when the appalling crimes committed by David Fuller in the mortuaries at Kent and Sussex Hospital and Tunbridge Wells Hospital came to light. I published my Report on Phase 1 of the Inquiry in November 2023.

All those who learned of Fuller's crimes were shocked and appalled at his callous sexual abuse of deceased women and girls. It is right and proper that this led to questions about the security and dignity of the deceased in other settings. In asking me to conduct this Inquiry, the then Secretary of State for Health and Social Care, the Rt Hon. Sir Sajid Javid, requested that in Phase 2 of our work I examined this, including considering if procedures and practices in the funeral sector specifically safeguard the security and dignity of the deceased.

Most people's experience of the funeral sector is at times in their lives when they are recently bereaved. They are vulnerable in their grief and distress. We trust our recently deceased into the care of funeral directors, often chosen because of being local or through word of mouth rather than qualification or trade association membership. In doing so, we expect that they will be treated with kindness, dignity and respect. Based on the Inquiry's examination of the funeral sector, it is fair to say that, in most cases, this is true. The funeral directors I have met in conducting this Inquiry have been caring, professional and eager to do the best they can for the deceased in their care.

Many people take comfort and meaning from the ceremonial aspects of the funeral service for their loved ones. We often pay no regard to what happens prior to this point, to what happens in the 'back room'.

Sadly, there are exceptions within what is overall a caring profession. In May 2022, Nigel Robinson-Wright was sentenced to 25 years in prison for sharing indecent images of children, extreme pornographic images and images taken at a funeral home in Preston where he worked. In the last 12 months, public confidence in the funeral sector has been shaken by media reports regarding police investigations into alleged failures to care for the deceased at funeral homes. We explore these recent matters of public concern in further detail in Chapter 1 of this Interim Report.

In 2020, the Competition and Markets Authority recommended that the UK government should establish an inspection and registration regime to monitor the quality of funeral director services, as a first step to the establishment of a broader regulatory regime for funeral services. There have been growing calls for regulation of the funeral sector. It is clear to me that many people believe or assume that the sector is already regulated and that they are shocked to find this is not the case. I had originally intended to publish my findings and recommendations on the funeral sector as part of one report, covering the whole of Phase 2 of the Inquiry's work. I have expedited the Inquiry's work on the funeral sector in light of the recent reports of cases of neglect in the sector and the resultant calls for regulation.

This Interim Report presents my preliminary findings and recommendations on the funeral sector in England. At this stage, I make no findings or recommendations regarding the regulation of staff who have direct involvement in the care of the deceased. This is an issue that I will examine across all the sectors we are investigating in Phase 2 of the Inquiry and one which I expect to comment on in my Final Report.

In my Final Report on Phase 2 of the Inquiry, I may expand on these preliminary findings and recommendations. But my hope is that publishing this Interim Report now will assist the government and the funeral sector itself to take steps that assure the public that the sector is fit for purpose and will not tolerate any form of abuse or practice which compromises the security and dignity of the deceased, including that caused by neglect.

I would like to acknowledge and thank all those who have contributed to my findings. More than 150 individuals and organisations associated with the funeral sector shared information and evidence with us. With the contributions of all the witnesses, through interviews, seminars, written evidence and documentary reviews, I believe that we have produced a robust and comprehensive picture of what needs to change.

Although this Interim Report bears my name and the findings and recommendations are mine alone, I could not have undertaken this assessment of the funeral sector without the support and hard work of the members of the Inquiry team, the Independent Advisers, the legal representatives and the communications team named in Appendix 3. I am indebted to them all for their commitment and advice.

Sir Jonathan Michael
Chair

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Background

The work of Phase 2 of the Independent Inquiry into the issues raised by the David Fuller case (the Inquiry) covers the broader national picture of the arrangements in place to safeguard the security and dignity of the deceased, including the policies and procedures in place in non-hospital settings where the deceased are kept.¹ This includes funeral directors, as set out in the Terms of Reference for the Inquiry.²

For the purposes of this Interim Report, we have defined a funeral director as a person or company whose business consists of, or includes, the arrangement and conducting of funerals and subsequent burial or cremation of the deceased, for and on behalf of a customer or customers.³ The Inquiry is also considering direct cremation businesses, as they are involved in the transportation and care of the deceased, although typically without ceremony or funeral service. The Inquiry also, of course, recognises the diversity of funeral services in England, the many ways in which faith and cultural practices may influence the care of the deceased, and the role of faith-based organisations that may arrange funerals and the subsequent burial or cremation of the deceased.

Overview of the sector

The final report of the market investigation conducted by the Competition and Markets Authority (CMA) found that there were 607,000 deaths registered in the UK in 2017.⁴ The CMA report used an estimated figure of 7,000 funeral homes in the UK, employing around 20,000 people.⁵ In 2020, the average cost of a funeral was estimated to be £4,300 and 2018 figures used by the CMA report estimated that the funeral industry was worth about £2 billion.⁶ The sector in England is not only large but extremely varied, in both the size and type of businesses providing funerals.

The three biggest firms of funeral directors are Co-operative Group Ltd (Co-op), Dignity plc (Dignity) and Funeral Partners Ltd (Funeral Partners). The CMA funeral market study found that these three providers make up an estimated 29 per cent share of all UK funerals.⁷ The rest of the industry is made up of smaller firms, usually referred to as independent funeral directors. Most of these independent funeral directors operate from only one branch, although a few have multiple branches across the region in which they operate. This is in comparison to the larger providers, which usually have

1 Sir Jonathan Michael, *Independent Inquiry into the issues raised by the David Fuller case: Phase 1 Report*, November 2023.

2 Terms of Reference in *ibid.*

3 Funerals Market Investigation Order 2021, gov.uk website.

4 CMA, *Funerals Market Study*, 28 March 2019, gov.uk website.

5 *Ibid.*

6 *Ibid.*

7 *Ibid.*

a branch network model, with branches often retaining the branding and name of the independent and family-owned businesses which have joined their organisation, and with care for the deceased taking place at hubs across the country.

There has been a significant rise in the number of funeral directors. In its report *Time to Talk about Quality and Standards*, Dignity found an estimated 83 per cent increase in the number of funeral directors in the UK between 1989 and 2017, despite a general trend of falling death rates in the UK in this period. This is in part accounted for by the lack of regulation in the sector, which allows funeral director businesses to be set up without the costs of meeting regulations that may be present in other sectors.⁸ This is explored further in Chapter 2.

The sector has had to adapt to changing attitudes to death and dying in the general population. The combination of a shortage of burial plots and increased burial costs has led to an increase in demand for cremation. The CMA found that the proportion of funerals involving cremation has increased from 25 per cent in 1960 to 77 per cent in 2017. This increase has had an impact on the types of business involved in the funeral sector, with 110 of the 293 crematoria in the UK in 2018 operated by private companies. The largest private operators of crematoria are Dignity and the Westerleigh Group, which between them own 25 per cent of all crematoria in the UK.⁹ Around 20 private crematoria in the UK are operated either by smaller businesses or by funeral directors who have opened their own crematorium as part of their business.¹⁰

There are trade associations for funeral directors that provide training and guidance, the two main ones being the National Association of Funeral Directors (NAFD) and the National Society of Allied and Independent Funeral Directors (SAIF). Both have a system of quality assurance assessments of members. The ways in which these trade associations function and the level of oversight they have over their members are covered in Chapter 2.

Despite the size, complexity and vital role of the funeral industry, there is currently no statutory regulation in place for funeral services or agreed standards for the way in which they perform their functions in caring for the deceased in England. The only current regulations and guidance specific to funeral directors relate to the cost of funerals and the provision of them as a consumer product.

This current regulatory environment is at odds with public perceptions of funeral directors. Around 92 per cent of consumers who responded to the survey conducted by Dignity for *Time to Talk about Quality and Standards* indicated that they expected some form of regulation to exist, with 52 per cent saying that they thought this took place through a trade body or independent organisation, and 40 per cent saying that this took place through governmental regulation or a government body.¹¹ The survey conducted by Dignity also indicated that consumers expect consistent levels of training and facilities to exist between funeral directors,¹² suggesting the existence of

8 Ibid.

9 Ibid.

10 Ibid.

11 Dignity, *Time to Talk about Quality and Standards*, August 2018.

12 Ibid.

some minimum standard of accredited training and operational requirement, neither of which currently exists.¹³

The locations where the deceased are actually stored and cared for (which may be different from the location of the funeral director branch the customer has visited to arrange the funeral) can vary significantly in terms of the size and structure of the business, the quality, security and cleanliness of the premises, and also the number and expertise of the staff. This is poorly understood by customers, who, according to the CMA, rarely do more than cursory research before engaging a funeral director.¹⁴

The Dignity report also revealed that 59 per cent of consumers thought the deceased were being cared for at the funeral director's premises; 39 per cent thought that this was the case based on assumption alone.¹⁵ The report goes on to say:

"This assumption about location of care is so important because it allows further assumptions about the funeral services market and the nature of the facilities available in individual funeral home premises."¹⁶

The fact that the deceased are not necessarily stored and cared for at the funeral director's premises where arrangements for the funeral are made but may instead be stored some distance away appears not to be widely known.

Changes to the funeral industry

The funeral industry continues to develop and change, and businesses are adapting to new trends in funeral services. There has been a notable increase in demand for direct cremation (cremation without a ceremony or funeral service).¹⁷ Mr David McLaren, Head of Operations for the direct cremation company Pure Cremation, told us that his company alone was conducting approximately 12,000 cremations a year.¹⁸ SunLife's 2024 *Cost of Dying* report found that, in 2023, 20 per cent of people described the funeral they organised as a 'direct cremation', compared with only three per cent in 2019.¹⁹ Customers have the opportunity to attend the cremation, but unattended cremations are also offered as part of this business model. The standard direct cremation provision includes the collection and storage of the deceased, paperwork, provision of a coffin, transport of the deceased to the crematorium and return of the ashes. One reason for the increase in demand for direct cremation or unattended cremation services may be the increasing cost of funerals. The report also found that the average direct cremation costs around £1,500, compared with the average cost of a funeral of around £4,000.²⁰

13 Dignity, *CMA consultation on scope of funerals market study: Dignity's response – July 2018*, gov.uk website.

14 CMA, *Funerals Market Study*, 28 March 2019, gov.uk website.

15 Dignity, *Time to Talk about Quality and Standards*, August 2018.

16 Ibid.

17 SunLife, *What is a direct cremation?*, 17 January 2024, SunLife website.

18 Witness transcript of Mr David McLaren, Head of Operations, Pure Cremation.

19 SunLife, *Cost of Dying: 2024 Report*, January 2024.

20 Ibid.

The structure of direct cremation businesses means that care of the deceased and cremation can often take place in a central location some distance from the locality of the deceased. Direct cremation also does not typically involve the viewing of the body of the deceased or some aspects of care of the deceased offered by a funeral director, such as embalming,²¹ although the ways in which the deceased are cared for in these settings can also vary. Direct cremation providers we have spoken to as part of the Inquiry described the difference.

Mr McLaren of Pure Cremation said:

“The difference with us is that once we’ve done all our preliminary checks whether it be pacemaker removal, identification, jewellery and personal effect removal, we actually encoffin. So we actually do use body bags and then the deceased are then coffined straightaway.

Those coffins are then stored in a larger, temperature controlled cold room and the idea is from that point you do not need to interfere with the deceased again until the day of cremation when they’re removed from our mortuary and cremated.”²²

Mr Alex Moore, Operations Manager of Distinct Cremations, also summarised its process of care of the deceased:

“They’ll then rest with us. They’ll be cared for on a daily basis. So, they are checked on a daily basis for not just, you know, not just rechecked identity, but also checking their condition. And then we’ll all sort of intervene as and when we need to at that point. But you know, anything that deceased needs in terms of care and preparation, they’ll get. When the deceased is then ready for their funeral we’ll then prepare the deceased for their funeral. So, we’ll make sure that they’re all okay and washed and dressed as they need to be if the family have requested that, laid to rest in their coffin and then the deceased is taken into one of our crematoria for cremation.”²³

Public interactions with the funeral sector

At the point at which most members of the public engage with the funeral sector, they are at their most vulnerable, experiencing loss and the associated stresses this can bring, as well as engaging with a sector they know little about.

Most people engage directly with the funeral sector only at the time when they need the sector’s services, and they do not have an awareness of practices or services outside this context. As noted earlier in this chapter, there is little consumer understanding of the differences between funeral directors in terms of both business model and business practices. The survey conducted by Dignity found that 79 per cent of respondents had considered only one funeral director for the funeral they were holding,²⁴ and the pressures of time combined with the sensitivity of the purchase and

21 Pure Cremation, All about direct cremation costs and services, 29 March 2022, Pure Cremation website.

22 Mr David McLaren, Head of Operations, Pure Cremation, attendee at London seminar, 12 December 2023.

23 Witness transcript of Mr Alex Moore, Operations Manager, Distinct Cremations.

24 Dignity, *Time to Talk about Quality and Standards*, August 2018.

a perception of common standards mean that the majority of consumers do not 'shop around' for a funeral director.²⁵

Where multiple funeral directors are considered, the primary driver in this consideration appears to be cost. Again, a perception of common standards between funeral directors means that issues such as practices related to the care of the deceased or internal policies and standards are not considered by the majority of consumers.²⁶

Outside the regulations noted earlier in this chapter and explored further in Chapter 2, the routes for recourse if a member of the public does not feel they received an adequate service from a funeral provider are few and far between, especially when those concerns are in regard to the care for and protection of the deceased. Funeral directors who are members of trade associations may have any issues with their service reported to the trade association directly, but consumer awareness of the existence and role of these trade associations is also low, and the associations themselves have limited levers with which to either monitor or take action against funeral directors where they have concerns. How these trade associations enforce their respective codes of conduct is also explored further in Chapter 2.

From 1994 until 2002 there was a Funeral Services Ombudsman²⁷ and an ombudsman service through which the public could file complaints and seek redress if a funeral fell short of expected professional standards, as set out in the ombudsman's own Code of Practice. The Funeral Ombudsman Service was a private, voluntary initiative and applied only to those funeral directors who were members. When in place it covered around 70 per cent of funerals and 60 per cent of privately owned crematoria.²⁸ In 2001 it received a total of 241 complaints;²⁹ awards for successful complaints ranged from £800 to £5,000.³⁰ The Funeral Services Ombudsman was appointed by, and accountable to, the Council of the Funeral Ombudsman, which was made up of independent consumer representatives together with representatives from the funeral industry.³¹ The Board overseeing the Funeral Services Ombudsman abolished the post in 2002 due to financial considerations.³²

Phase 2 Interim Report into the funeral sector

There has been renewed public interest in the regulation of funeral directors following the recent allegations of poor practice referenced in the Chair's introduction to this Interim Report and explored in Chapter 1. This chapter also reflects the key themes of the Inquiry's work, the evidence gathered, and the reflections of the Inquiry on the information we have received from funeral directors across England.

25 Ibid.

26 Ibid.

27 EDM 1309: Funeral Services Ombudsman Early Day Motion, Hansard, 26 May 1994.

28 'MP's surgery: who to complain to – Funerals', *The Guardian*, 19 July 2001.

29 'Wage slaves: careers profiled', *The Guardian*, 29 September 2002.

30 'MP's surgery: who to complain to – Funerals', *The Guardian*, 19 July 2001.

31 Ibid.

32 Robert Watts, 'Funeral industry axes ombudsman', *The Telegraph*, 6 November 2002.

In Chapter 2, this Interim Report explores the current regulatory environment, both at a national and at the industry level, as well as exploring the governance arrangements of the larger providers referred to earlier in this chapter. Chapter 2 also considers regulations referenced earlier in this chapter in more detail, as well as examining regulatory regimes and standards in place in Scotland.

Chapter 3 sets out the conclusions and recommendations of this Interim Report, as well as reflecting on the future work of the Inquiry to support the security and dignity of the deceased.

The appendices provide information needed to underpin this Interim Report, including our methodology and lists of witnesses and those who have worked with the Inquiry to produce this Interim Report into the funeral sector.

Chapter 1:

What happens now – security and dignity of the deceased

A contributing factor to David Fuller being able to sexually abuse the bodies of 101 women and girls in the mortuaries at Maidstone and Tunbridge Wells NHS Trust was that policies and procedures about, and assurance of, security and access to the mortuaries were lacking.¹

There are no mandatory standards for policies and procedures in the funeral sector in England. The National Association of Funeral Directors and the National Society of Allied and Independent Funeral Directors both have Codes of Practice, but these are voluntary arrangements. This issue is discussed in detail in Chapter 2.

In this chapter, we describe what we have learned about procedures and practices to ensure the security and dignity of the deceased in the funeral sector. In doing so, we draw on evidence from the Inquiry's survey of funeral directors, the seminars we held for funeral directors, interviews with key witnesses, and relevant documents (see Appendix 1). We also highlight recent allegations of poor practice which have had shocking and harrowing consequences.

We then go on to consider what the funeral sector has done in response to the crimes committed by David Fuller.

The section below draws together the key themes that have emerged from the evidence: security and access, lone working and safeguarding.

1.1 Security and access

In July 2023, the Inquiry issued a questionnaire to around 4,500 funeral directors in England. We received over 100 responses, three of which were from the largest businesses running chains of funeral director premises in England – Funeral Partners Ltd (Funeral Partners), Co-op Funeralcare (Co-op) and Dignity plc (Dignity), collectively representing around 1,800 funeral directors. Of the 100 responses, 81 were from family-run businesses. Seven respondents mentioned being part of Dignity and two of the respondents mentioned being part of Co-op. From this, we conclude that the information from the survey reflects practice in the independent family-run businesses that provided the majority of responses.

¹ Sir Jonathan Michael, *Independent Inquiry into the issues raised by the David Fuller case: Phase 1 Report*, November 2023.

In response to the question "*What security measures do you have in place at your premises, e.g., CCTV?*", 39 per cent referred to internal doors being locked, nine per cent referred to refrigerators being locked, 30 per cent mentioned alarms and seven per cent referred to tracking or monitoring contact with the deceased. Six per cent referenced rules about people being accompanied around the deceased. However, of those, less than one per cent mentioned that staff needed to be accompanied. Closed-circuit television (CCTV) was referred to by 69 per cent of respondents, but it was unclear from the survey responses where the CCTV was positioned.

The Inquiry held two seminars for funeral directors to further explore the issues raised in the questionnaire, one in London and one in Manchester (see Appendix 1).

Of the 12 attendees at the London seminar, three had CCTV in their mortuary spaces. Two of the 12 attendees at the Manchester seminar had CCTV in their mortuaries. Most attendees at the seminars had CCTV covering their premises' external access points. The understandable challenge of ensuring that the presence of CCTV in mortuaries did not in itself compromise the dignity of the deceased was discussed at both seminars, as was the difficulty of monitoring CCTV footage.

In response to the question in the Inquiry's survey "*Who is permitted access to the deceased and for what reasons?*", 28 per cent of respondents said that all staff were permitted access. There was variation as to which categories of staff were permitted access among the 65 per cent who reported that only certain members of staff could access the deceased. Thirteen per cent of respondents reported that external staff or contractors were permitted to access the deceased; this included repair/maintenance technicians or removal staff/funeral service operatives who transport the deceased from their place of death to the respondent's organisation.

Responses to the Inquiry's questionnaire and attendees at its seminars mainly represented small family-run funeral businesses. The Inquiry also received responses from (and interviewed) Funeral Partners, Co-op and Dignity to consider the policies and procedures they have in place. In the following paragraphs we consider the responses from these three organisations. We explore the different approaches to mortuary security and access taken by each organisation, with the intention of increasing awareness and understanding of the practices and procedures of the largest providers. However, the Inquiry does not criticise the divergence in approach where there are no mandated standards for these, or indeed any, organisations in the funeral sector to act in accordance with.

Funeral Partners has 250 locations throughout the UK, the majority of which are in England. Mr Sam Kershaw, Chief Executive of Funeral Partners, told the Inquiry that access to its branches was via keys, with records kept of who had access to the keys out of hours. Mortuaries within its branches were kept locked: "*It's normally with a keypad access with the number regularly changed. And again, those numbers, you know, the staff, only the staff working there would have that number anyway.*" Mr Kershaw told the Inquiry that Funeral Partners did not have a universal CCTV policy and that, while some branches had CCTV, others did not.² In its corporate response to the Inquiry's

2 Witness transcript of Mr Sam Kershaw, Chief Executive, Funeral Partners.

questionnaire, Funeral Partners stated that most staff did not have unrestricted access to its premises.

Co-op has over 800 branches throughout the UK. It has 56 locations in England that are its care centres, where the deceased are prepared and stored on behalf of the branches where its funeral arrangers are based.³ In its corporate response to the Inquiry's questionnaire, Co-op stated that each property from which it operated was unique and had security features appropriate to that property. It stated that all operational staff were permitted to access the deceased and that contractors were occasionally required to work on their own in areas where the deceased might be present, but that this was minimised wherever possible. Ms Gill Stewart, Managing Director of Co-op Funeralcare, told the Inquiry that the organisation had CCTV that covered its premises' entrances, but it did not have CCTV inside its mortuaries. Access to Co-op's purpose-built mortuaries was by swipe card. While the organisation had many standard operating procedures, these did not include monitoring swipe card access or monitoring CCTV.⁴

Dignity has around 700 branches in the UK, the majority of which are in England. Mr Mark Williams, Property and Logistics Director at Dignity, told the Inquiry that around 200 of its branches did not have facilities to store the deceased on site. He also said that access to the deceased was limited to those staff whose job it was to care for them. Access to its properties was via a mixture of keys, keypads and swipe cards. CCTV was present in more than 80 of its sites, but this covered only the entrance to premises; Dignity did not have CCTV inside its mortuaries. The organisation did not have a policy to monitor swipe card access or CCTV.⁵ In its corporate response to the Inquiry's questionnaire, Dignity told us that external contractors had to be accompanied by a Dignity employee if they needed to access mortuary facilities.

1.2 Lone working

A number of organisations that responded to the Inquiry's questionnaire referred to having some form of policy or process in place for when staff members are working in the mortuary alone. These included: only allowing certain authorised staff to work alone; requiring a female employee to be present when staff are working with deceased females; and remote CCTV monitoring. From the responses to the questionnaire, it appears that lone working is more commonly permitted in smaller or family-run organisations, and it also appears to be more common for these organisations not to have a formal lone working policy in place.

In its corporate response to the Inquiry's questionnaire, Co-op stated that it had a lone working policy that covered staff safety, but did not have a lone working policy specifically related to those required to work alone with the deceased.

Funeral Partners stated in its corporate response to the Inquiry's questionnaire that it had a lone working policy.

3 Letter from Ms Gill Stewart, Managing Director, Co-op Funeralcare.

4 Witness transcript of Ms Gill Stewart, Managing Director, Co-op Funeralcare.

5 Witness transcript of Mr Mark Williams, Property and Logistics Director, Dignity.

Dignity told the Inquiry that its lone working policy focused on the safety of staff rather than the deceased.⁶

1.3 Safeguarding

The deceased are not covered by safeguarding legislation. A deceased person does not usually hold any legal rights after their death.⁷ Despite this, most people would expect the deceased to be treated with dignity and respect by the funeral sector, regardless of their legal status. We therefore examined how the concept of safeguarding was considered in the sector.

1.3.1 Training

In the questionnaire for funeral directors, we asked *“What induction and training are staff given in relation to safeguarding the dignity of the deceased?”* From the responses, we noted that the variation in the level of induction and training on safeguarding across the organisations is significant. More than 30 per cent relied on informal internal training, 33 per cent provided internal training programmes, and 16 per cent provided external training. In some circumstances, the provision of handbooks or rules was the only form of training.

One attendee at the Inquiry’s seminar in London made the valid point that consideration of safeguarding extended beyond the deceased:

“So part of what the Safeguarding Policy and the safeguarding training that we give and the way that we talk about care for the dead and the way that we also make sure that we safeguard some of the more vulnerable clients we have, because we’re also looking after people who are arranging funerals who themselves might be in a vulnerable position for all sorts of reasons.”⁸

1.3.2 Disclosure and Barring Service checks

Disclosure and Barring Service (DBS) checks were referred to by 45 per cent of respondents to the questionnaire for funeral directors. However, it is not clear from the responses whether these checks are a requirement for all staff. Attendees at the Inquiry’s seminar in Manchester discussed the confusion around obtaining DBS checks for staff. They told the Inquiry that there was a statutory requirement for staff to have DBS checks in order to sell financial plans for funerals under Financial Conduct Authority regulations, but that DBS checks were not required to arrange funerals.

In its corporate response to the Inquiry’s questionnaire, Funeral Partners stated that DBS checks were carried out on all new staff.

6 Witness transcript of Mr Mark Williams, Property and Logistics Director, Dignity.

7 Advice from the Inquiry’s legal team, July 2022.

8 Ms Clare Montagu, Poppy’s Funerals, attendee at London seminar, December 2023.

Co-op told the Inquiry that all employees were DBS checked on appointment.⁹

Dignity told the Inquiry that its staff were DBS checked every three years.¹⁰

1.3.3 Trusting the trusted

Many respondents to the Inquiry's questionnaire mentioned putting trust in staff and the benefit of a good culture. This was frequently referred to by smaller or family-run organisations, and was often given as a reason why policies and procedures are not needed, particularly in relation to employment checks, security measures and training.

One attendee at the Inquiry's Manchester seminar explained:

*"The main check we've got is that we employed the people that I work with because I trust them, and I've known them a long time. And we've worked together for 20-odd years in different settings."*¹¹

An attendee at the London seminar summarised the issue of being unwilling to accept that someone could betray the trust vested in them:

*"Because of the point I made before where with goodwill, trust, knowing the relationships. I think if I was to be self critical, I'd say possibly a degree of naivety. Because as you said in your opening point, and I think you've heard from everybody here, it's a vocation. We care passionately about caring for the living and the dead. And so who would want to perpetrate terrible things against them? We are not built to understand that and therefore possibly don't identify the risks that are actually out there from people who are not built the same as us."*¹²

1.3.4 Emerging models of delivering services – direct cremation

There is growing demand for direct cremation services in England. Direct cremations typically involve fewer interactions with the deceased person. Care and cremation of the deceased often take place outside their local area, requiring the transportation of the deceased over significant distances. It is not usual for families to view the deceased and cremations are mostly unattended (see Background). The Inquiry wanted to understand how the security and dignity of the deceased are safeguarded under this model and so interviewed two direct cremation providers.

Distinct Cremations was established in 2021 as part of the Westerleigh Group, one of the UK's largest independent cremation providers.¹³ The Inquiry was told that the deceased are collected and taken to Distinct Cremations' mortuary in Staffordshire. They are transported in the company's private ambulances. The private ambulances do not have CCTV on board and are not tracked, although these are measures that Distinct Cremations is considering introducing in the future. The private ambulances

9 Witness transcript of Ms Gill Stewart, Managing Director, Co-op Funeralcare.

10 Witness transcript of Mr Nick Edwards, Interim Chief Executive, Dignity.

11 Mr Paul Hilton, Paul Hilton Funeral Services, attendee at Manchester seminar, October 2023.

12 Mr Jeremy Field, C.P.J. Field, attendee at London seminar, December 2023.

13 Distinct Cremations website.

have two crew members and leaving the deceased unattended during transportation is not allowed.¹⁴

Once at Distinct Cremations' mortuary, the condition of the deceased is checked each day. They are in the mortuary for an average of 14 days prior to cremation. Access to the mortuary is restricted to staff who have a direct operational need to be there. Access is not currently monitored and there is no CCTV on site. Distinct Cremations told the Inquiry that it is implementing new systems to manage access to the site. It is considering how this can be monitored, and is also considering introducing CCTV on site. Distinct Cremations told the Inquiry that its staff are DBS checked. It told us that it has policies and procedures in place but does not currently have an audit function to check compliance with these.¹⁵

Pure Cremation was established in 2015.¹⁶ The Inquiry was told that the company collects the deceased in its private ambulances and that they are taken to one of its mortuaries, which are in Andover and Knutsford. The private ambulances have CCTV covering the cab and are tracked. They are staffed by two crew members, and leaving the deceased unattended in the vehicle during transportation is not allowed.¹⁷

The deceased are checked on arrival at Pure Cremation's mortuaries and then placed in coffins. They are left in the coffins and are not checked again until a final check takes place prior to their cremation. The deceased are in the mortuaries on average between nine and 11 days. A ceramic disc with a unique code is placed in the coffin with the deceased person during cremation. This disc is then included with the ashes of the deceased, as a form of verification of the identity of the ashes.¹⁸

Entry to and throughout Pure Cremation's buildings is via an electronic fob system that can be set to restrict access to certain areas. While access can be monitored via this system, this is not done routinely. CCTV and sound recordings take place across Pure Cremation's sites, including those areas where the deceased are prepared for cremation. The CCTV is livestreamed into the crematorium office. There is a policy in place for checking the CCTV recording in the event of any concerns. The Inquiry was told that Pure Cremation has an internal audit process to check compliance with protocols.¹⁹

Both Distinct Cremations and Pure Cremation spoke about occasionally subcontracting storage of the deceased to other funeral directors, usually those local to the area where the deceased person died. They each told the Inquiry that, in their view, they had encountered issues of poor quality when doing so, and were taking steps to mitigate these.

14 Witness transcript of Mr Alex Moore, Operations Manager, Distinct Cremations.

15 Witness transcript of Mr Alex Moore, Operations Manager, Distinct Cremations.

16 Pure Cremation website.

17 Witness transcript of Mr David McLaren, Head of Operations, Pure Cremation.

18 Witness transcript of Mr David McLaren, Head of Operations, Pure Cremation.

19 Witness transcript of Mr David McLaren, Head of Operations, Pure Cremation.

Mr Alex Moore, Operations Manager at Distinct Cremations, said:

*"[P]art of what we're working on at the minute is getting me the time to get out and to be able to properly assess these funeral directors when we work with them, to go and physically do that in person, and we're currently working on that, an assessment criteria, for me to be able to use and to go out and visit these funeral directors and assess them before we use them."*²⁰

Mr David McLaren, Head of Operations at Pure Cremation, told the Inquiry that the company is in the process of auditing funeral directors with whom it subcontracts. He said:

*"[I]t's vital that we're working with funeral directors that we're agreeing rates with, that we're happy with their policies and protocols and actually going in and viewing their operations to ensure that we're happy that they're giving the same level of care for our deceased that we expect."*²¹

The steps being taken by the direct cremation providers to try to ensure quality in these subcontracting arrangements appear not to be visible to some in the sector. As one attendee at the Manchester seminar said:

*"But there are 30,000 or so deaths that are not covered which are the deaths which are now going to Pure Cremation whereby they are using a myriad of funeral directors, completely uncontrolled throughout the country."*²²

The majority of organisations that responded to the Inquiry's questionnaire – 81 per cent – reported that they were not aware of any incidents that had compromised the privacy, security and dignity of the deceased in the funeral sector.

Those that were aware of incidents referred to break-ins, issues of bad practice regarding the care of the deceased, issues with identification of the deceased, and incidents where mortuary areas were left unlocked.

We set out below specific incidents identified in the responses. Please note that some of these allegations include graphic or distressing content. The Inquiry has not verified these reports.

Alleged incidents include:

- the deceased being left to decompose, contained in mouldy clothing or sheets, or otherwise *"left outside on a table"*;
- instances where the deceased have been left unattended in unlocked buildings;
- issues with identification of the deceased;
- limited covering of the deceased;
- an alleged incident of a sexual assault against a deceased female by a funeral director in the early 1990s;

20 Witness transcript of Mr Alex Moore, Operations Manager, Distinct Cremations.

21 Witness transcript of Mr David McLaren, Head of Operations, Pure Cremation.

22 Mr Nigel Lymn-Rose, A.W. Lymn Family Funeral Service, attendee at Manchester seminar, October 2023.

- instances where the deceased had been handed over by hospitals in poor condition, for example with facial purging or leaking oedema, or with urinary or infusion catheters and intubation tubes still in place;
- an incident where a funeral assistant took a photograph of a deceased person being embalmed; and
- instances of staff leaving mortuary areas unlocked.

1.4 Recent allegations of public concern

The Inquiry has been made aware of recent allegations of poor practice and ongoing concerns about the way in which certain funeral directors are safeguarding the dignity and security of the deceased that are subject to police investigation. These allegations focus on: the storage and care of the deceased; funeral directors failing to provide the remains of the deceased to loved ones, or providing incorrect remains; and poor management or closure of funeral homes while the deceased are still in their care. During its investigation, the Inquiry was made aware of a number of specific allegations, including the following:

- A deceased person had been stored unrefrigerated and was found in an advanced state of decomposition. Unidentified ashes and human remains were also found in this location.
- Four deceased people had been stored unrefrigerated and were found in an advanced state of decomposition.
- A member of staff disturbed a deceased person out of hours twice on the same evening.

The Inquiry is unable to investigate these allegations itself and is not able to comment specifically on matters that are the subject of ongoing criminal investigations. However, we highlight the existence of these allegations in order to emphasise the urgent need for independent statutory regulation in the sector.

In addition to the above allegations, the Inquiry is aware of convictions in the following two cases:

- In February 2019, Kasim Khuram was sentenced to six years' imprisonment for burglary and the sexual penetration of a corpse at the Central England Co-operative undertakers in Birmingham.²³
- In May 2022, Nigel Robinson-Wright was sentenced to 25 years' imprisonment for sharing indecent images of children, extreme pornographic images and images taken at Martin's Funeral Directors in Preston where he worked. Nigel Robinson-Wright posed for photographs next to open coffins and naked deceased people and offered to supply a man with crystal meth to facilitate sexual activity in the chapel of rest at the funeral home. The two also shared sexual fantasies about the deceased people at the funeral home.²⁴

23 'Birmingham burglar who had sex with corpse jailed', BBC News website, 1 February 2019.

24 Crown Prosecution Service website.

The Inquiry wrote to Martin’s Funeral Directors to ask the company to describe the security measures and access controls it had in place at the time of the offences and what if anything it changed as a result. It did not provide this information.

1.4.1 Home Office sampling guidance

The Inquiry is aware of a letter issued by the Home Office to its Forensic Pathology Specialist Group in February 2019, providing advice on taking samples from the deceased in the case of suspected sexual offences against deceased people in funeral homes. The letter states:

“There have been recent cases where forensic pathologists have been asked to take samples from a corpse located at the premises of funeral directors. The samples were required because the police believed there had been ‘sexual’ activity with the corpse. In one case the suspect was a member of staff and in the other an intruder.”²⁵

Based on the timing of the case and the nature of the offences, the Inquiry considers it likely that one of the cases that prompted this guidance may have been that of Kasim Khuram (see above).

1.4.2 Changes made in response to the David Fuller case

David Fuller’s abuse of deceased women and girls caused public shock and disgust. The Inquiry was interested to understand how practice in the funeral sector might have changed in response to the case.

Although 45 organisations that responded to the Inquiry’s questionnaire reported that changes had been introduced, a significant number – 55 per cent – reported that no changes had been made. Of those who reported that no changes had been made, 40 per cent stated that they did not consider changes were necessary. A number of organisations that responded to the questionnaire expressed the view that the focus of the Inquiry’s attention should be on hospitals rather than the funeral industry, given that it was in hospitals where David Fuller was found to have offended.

Despite the cases outlined earlier in this chapter, and the reporting by respondents to the Inquiry’s questionnaire of incidents that compromised the deceased, there was reluctance by some to ‘think the unthinkable’ could happen in the funeral sector.

Of those organisations that responded to the survey that have introduced changes, the majority reported implementing security-related changes such as installing CCTV, putting extra locks on doors and installing keypad combination locks on mortuary doors.

Co-op told the Inquiry that it had considered installing CCTV in its mortuaries following publication of the Inquiry’s Phase 1 Report. Co-op also acknowledged concerns about protecting the dignity of the deceased in the presence of CCTV and the challenges of introducing CCTV into a unionised environment. A final decision on the installation of CCTV had not been made at the time this was discussed with the Inquiry.²⁶

25 Letter from the Home Office to members of the Forensic Pathology Specialist Group, 5 February 2019.

26 Witness transcript of Ms Gill Stewart, Managing Director, Co-op Funeralcare.

Dignity told the Inquiry that it had reviewed its policies in response to the case of David Fuller.²⁷

What we have found

- There is wide variation in practices and policies to safeguard the dignity and security of the deceased across the funeral sector in England. While there is greater standardisation of policies in the big funeral chains, practical application differs between branches. This variation in practices and policies was also present between the two direct cremation providers that gave evidence to the Inquiry.
- Lone working policies in the sector generally focused on ensuring the safety of staff rather than protecting the deceased.
- There have been cases in different parts of England of funeral directors seriously compromising the security and dignity of the deceased through poor practice and/or neglect.
- The variation in practice regarding security in the funeral sector, together with the incidence of cases of neglect we are aware of, suggests that there is a systemic failure in parts of the sector to protect the security and dignity of the deceased.
- David Fuller was a longstanding employee who was trusted by his colleagues at Maidstone and Tunbridge Wells NHS Trust.²⁸ This concept of 'trusting the trusted', which we have also heard in use in parts of the funeral industry, is not reassuring or sufficient to guarantee the security of the deceased.
- We found little evidence of changes in practice in the sector in response to the David Fuller case.
- The guidance issued by the Home Office to forensic pathologists on taking samples from the deceased on the premises of funeral directors in cases of suspected sexual offences was circulated soon after concerns were first raised at a meeting of the Forensic Pathology Specialist Group in November 2018. This indicates that there has been cause for concern about sexual offences against the deceased in this setting since at least late 2018. Through this guidance, the Home Office was able to advise forensic pathologists of their legal position if they were asked to take samples from the deceased in funeral homes.

27 Witness transcript of Mr Nick Edwards, Interim Chief Executive, Dignity.

28 Sir Jonathan Michael, *Independent Inquiry into the issues raised by the David Fuller case: Phase 1 Report*, November 2023.

Chapter 2:

Oversight and governance

In this chapter, we consider what legislation is in place to provide oversight of the funeral sector in England. In particular, we consider whether there is a statutory basis for a national framework of regulation that is able to provide assurance of the quality of services the funeral sector delivers with regard to protecting the dignity and security of the deceased.

We also consider Scotland's imminent plans to regulate the Scottish funeral sector.

In addition, we review the role that the sector's trade associations play in setting standards for the quality of care delivered by individual funeral directors, how these standards are monitored, and the consequences if they are not met. We also consider how far these trade associations are able to enforce protection of the dignity and security of the deceased within the current framework of legislation.

Finally, we observe the arrangements for internal governance within the sector.

2.1 Legislative framework governing the funeral sector

Legislation is the process of making and enacting laws through a legislative body, for example Parliament, while regulation refers to the detailed rules created to implement and enforce the legislation.

The only aspect of a funeral director's work that is formally regulated is the sale of pre-paid funeral plans, which has been regulated by the Financial Conduct Authority (FCA) since July 2022. The FCA is an independent financial regulator, accountable to the Treasury and Parliament. Providing pre-paid funeral plans without FCA authorisation is a criminal offence.¹

There is regulation in place in the sector in relation to health and safety, which the Health and Safety Executive (HSE) oversees. The HSE is the national regulator for workplace health and safety and is an executive non-departmental public body, sponsored by the Department for Work and Pensions.

Other examples of regulatory bodies include the Care Quality Commission and the Human Tissue Authority; the Phase 1 Report covered both of these in detail, but they do not have a remit in the funeral sector.

¹ FCA website.

There is, however, no regulation of the **quality** of the services provided in the funeral care sector. There is no organisation in charge of independent standard-setting, monitoring and inspection of activities and premises, with powers to stop a funeral director from operating in the event that they fail to meet those standards. A funeral director does not need a licence or qualifications and is not required to follow any quality standards. There are no rules about what facilities and equipment they should use.

This is currently the case across the UK; however, it is about to change in Scotland. In 2016, the Scottish government received the *Report of the National Cremation Investigation* by the Rt Hon. Dame Elish Angiolini DBE QC FRSE. The report included a recommendation that, in Scotland, *“The overall regulation of the funeral profession needs to be improved. Funeral Directors as well as Cremation Authorities should be licensed and subject to a statutory regime of regulation and inspection.”*²

The Scottish Parliament recently legislated through the Burial and Cremation (Scotland) Act 2016 to provide for an inspection and enforcement framework, a specific statutory Code of Practice and a licensing scheme for funeral directors. The Scottish Funeral Director Code of Practice³ was published on 12 March 2024. The Scottish Government permitted a year-long grace period for funeral directors to become compliant with the Code and intends to formally bring the Code into force on 1 March 2025.⁴ It will require funeral directors in Scotland to adhere to a Code of Practice that ensures minimum standards in the care of the deceased. This will assist in providing transparency in the goods and services offered to the bereaved. While the intention is for funeral director businesses to be inspected against the Code’s standards, with appropriate enforcement and compliance powers, no regulations relating to inspections have been made to date under section 90 of the Act. Similarly, a mandatory licensing regime under section 94 of the Act is not yet in force and no regulations have been made in respect of it. Although this does not apply to funeral directors in England, it has been mentioned in this Report given its relevance.

Scotland’s approach, along with that of other countries, is explained at Appendix 7.

2.2 Calls for regulation of the sector in England

There have been calls for independent regulation of the funeral sector for some years. These calls have come from both within and outside the industry and have identified the need to require all funeral directors to be licensed, to comply with a national Code of Practice and to be independently inspected for compliance against the standards set out in the Code. This would mean that registration and compliance with the defined standards would be a requirement for running a funeral director business.

The UK’s funeral industry was one of seven priority industries singled out for reform by the Office of Fair Trading (OFT) in 2001. No action appears to have been taken at the time, although, as set out above, the sale of pre-paid funeral plans has since been

2 The Rt Hon. Dame Elish Angiolini DBE QC FRSE, *Report of the National Cremation Investigation*, 17 June 2016.

3 gov.scot website.

4 gov.scot website.

regulated. Professor Geoffrey Woodroffe, the Funeral Services Ombudsman, said: *“People are extremely vulnerable when they are arranging funerals for relatives or partners. Independent regulation is vital.”*⁵

When Professor Woodroffe learned that the ombudsman service was to be closed down in 2002, he wrote to the Department of Trade and Industry asking for help, but he was told that *“the Government believed in allowing industries to regulate themselves”*.⁶

In 2019, the Competition and Markets Authority (CMA), the OFT’s successor, began an investigation into the arrangements at that time for oversight of activity in funeral director premises as part of its funeral markets investigation. It published the final report of its investigation in December 2020; this contained a recommendation that the UK government establish an inspection and registration regime to monitor the quality of funeral director services.⁷

The Ministry of Justice published its response⁸ to the report in March 2021. It stated:

- It agreed in principle to a form of registration and inspection but stated that *“wholesale regulation would take considerable time to implement and may not be effective or proportionate in achieving the objective of improving customer experiences”*.
- It would review the effectiveness of the current regime.
- It would monitor the success of the statutory regulation regime being introduced in Scotland.

The Ministry of Justice advised the Inquiry in February 2024 that it would evaluate the effectiveness of the current oversight arrangements and await the recommendations from this Inquiry before putting advice to ministers.⁹

The CMA told the Inquiry that *“there was not currently an existing institution capable of effectively taking on the powers required to oversee the regulatory regime”* and that they *“remain concerned that self-regulation may not be appropriate for the reasons set out in the final report and also consistent with the need to prevent the most egregious failures regarding the security and dignity of the deceased”*.¹⁰

There was general support for regulation at the two seminars held by the Inquiry for funeral directors, and many of the people the Inquiry has interviewed share this view, including the heads of the two funeral director trade associations (see below) and the heads of three of the largest funeral director chains: Co-op Funeralcare (Co-op), Dignity plc (Dignity) and Funeral Partners Ltd (Funeral Partners). All stressed the importance of the regulation being proportionate, in recognition of the various sizes and structures of businesses in the sector.

5 Robert Watts, ‘Funeral industry axes ombudsman’, *The Telegraph*, 6 November 2002.

6 Ibid.

7 CMA, *Funerals Market Investigation: Final Report*, 18 December 2020, gov.uk website.

8 Ministry of Justice, *Response to the Competition and Markets Authority’s Funeral Market Report*, March 2021, gov.uk website.

9 Written statement of Mr Terence Davies, Acting Deputy Director, Death Management, Miscarriages of Justice Compensation, Inquiries and Coroners Division, Ministry of Justice.

10 Written statement of Ms Sarah Cardell, Chief Executive, CMA.

Ms Julie Dunk, Chief Executive of the Institute of Cemetery and Crematorium Management Ltd (ICCM), which provides policy and best practice guidance to burial and cremation authorities, told the Inquiry:

*"[W]e have long believed that the funeral sector should be regulated and have stated so when responding to consultations on this matter. We also believe that independent regulation, licencing and inspection should be extended to cover the whole of the journey that a deceased person takes following their death to their final resting place."*¹¹

In November 2018, the funeral industry established the Funeral Service Consumer Standards Review (FSCSR) with a view to improving quality, standards and outcomes for funeral service consumers. The FSCSR's aims were to:

- "(a) Produce a comprehensive codified set of minimum standards for the profession, to be presented to the government as a proposed starting point for future regulation and recommended for immediate adoption by both major trade associations.*
- (b) Propose a method of monitoring and encouraging compliance with these minimum standards, to be presented to the government and recommended for implementation by both major trade associations.*
- (c) To recommend a set of rules and guidance for funeral service providers to adopt with a view to improving consumers' ability to usefully compare services offered by differed providers. In particular, the FSCSR will consider how transparency in relation to services offered, the standard of those services and pricing could be improved."*¹²

After two phases of consultation, the work paused in March 2020 due to the COVID-19 pandemic, and it does not appear to have resumed.¹³

Although ultimately the FSCSR's aims were not met, this demonstrates that the sector recognised that something needed to be done to improve the quality of services, and that it put in considerable effort to try to bring about change.

Concerns about public confidence in the funeral sector prompted the Ministry of Justice and the Department for Levelling Up, Housing and Communities to write to all English local authorities on 26 April 2024, encouraging them to visit local funeral homes and provide assurance that *"all is in order"*.¹⁴ The letter asks that priority is given to those funeral homes which are not part of the National Association of Funeral Directors or the National Society of Allied and Independent Funeral Directors (see below) and those which crematoria or cemeteries stopped working with in the previous six months.

11 Written statement of Ms Julie Dunk, Chief Executive, ICCM.

12 CMA, *Funerals Market Investigation: Final Report*, 18 December 2020, gov.uk website.

13 Ibid.

14 Letter from Ministry of Justice and Department for Levelling Up, Housing and Communities to local authorities, 26 April 2024.

The letter states that legislation in the sector is likely to be required but that the departments “do not rush to action but engage stakeholders properly”.¹⁵

The Inquiry notes that this request was made to local authorities, which currently have no statutory powers to inspect the funeral sector and no sanctions available if they have any concerns.

2.3 Trade associations

There are two trade associations for the sector: the National Association of Funeral Directors (NAFD) and the National Society of Allied and Independent Funeral Directors (SAIF). As trade associations, they are not-for-profit organisations comprising a collection of companies that work in the same industry and they are funded by their members through subscription fees. Both have Codes of Practice which their members must follow, including recommendations about the quality of care to be delivered to the deceased.

In this section we explore the background, membership and inspection protocols of SAIF and NAFD. We review the different approaches to conduct and management taken by each organisation and the methods by which they encourage compliance with their standards. They are not regulators and do not have powers of enforcement in relation to individual funeral directors. In the absence of a regulatory framework, these organisations rely on self-regulation and voluntary compliance with their policies and standards. The Inquiry does not criticise SAIF and NAFD where there is no legal basis for these organisations to enforce compliance.

NAFD represents the interests of funeral firms, champions high standards of care and choice for the deceased and for bereaved people, and provides a regulatory framework for funeral businesses within its membership.¹⁶ SAIF supports independent, mostly family-owned funeral directors. It promotes best practice among its members and protects their interests.¹⁷

Many funeral directors (if they are eligible) have voluntarily signed up and paid to be a member of one or both of the two trade associations. Membership includes agreeing to follow a Code of Practice, being inspected, and having access to practical guidance, training and the opportunity to obtain NAFD qualifications.

NAFD represents more than 4,100 UK funeral businesses¹⁸ and SAIF has 1,000 member firms representing approximately 2,000 branches.¹⁹

In the absence of a registration scheme, it is not possible to know exactly how many funeral directors are operating. Between 75 per cent and 85 per cent of funeral director branches are members of trade associations.²⁰ Based on the CMA’s estimate of 7,000

15 Ibid.

16 Written statement of Mr Andrew Judd, Chief Executive, NAFD.

17 SAIF website.

18 Written statement of Mr Andrew Judd, Chief Executive, NAFD.

19 Witness transcript of Mr Terry Tennens, Chief Executive, SAIF.

20 CMA, *Funerals Market Investigation: Final Report*, 18 December 2020, gov.uk website.

UK funeral directors in 2017,²¹ this means that between 1,050 and 1,750 UK funeral directors are not a member of any trade association.

The requirements of SAIF's and NAFD's Codes of Practice that are relevant to this Inquiry are listed in Appendix 8.

On the rare occasion that a member is expelled from NAFD or SAIF for breaching the relevant Code of Practice, they must remove the logo from their branding but they can still continue to operate. There are no further sanctions available to NAFD or SAIF as trade associations.

The Inquiry learned that NAFD has expelled three members²² and SAIF has expelled 11 members.²³ In all cases, this appears to have been as a result of complaints made by members of the public rather than issues identified by NAFD, SAIF or the Independent Funeral Standards Organisation (IFSO) (see below).

The Inquiry asked Mr Andrew Judd, Chief Executive of NAFD, about the gap between the inspections of the three members that had been expelled and the issues raised that led to their expulsion. He said: "*[W]e aim to inspect every two years. But we do, through IFSO, take a risk-based approach. It's very unusual for us to inspect a business and then for the standard to rapidly go downhill.*"²⁴

Mr Terry Tennens, Chief Executive of SAIF, told the Inquiry: "*It tends to show its head if you get a number of complaints against one member. Because complaints are fairly few and far between.*"²⁵

Just because a funeral director is not a member of a trade association, it does not automatically mean that they offer a poor service. An attendee at the London seminar told the Inquiry:

*"[T]he reason we decided not to be a part of the trade associations is that we have seen practice that we think is not good enough in some branches of some people who are members of both trade associations ... we invite people into our mortuary. We feel very comfortable with being scrutinised and we welcome scrutiny from everyone. And we feel that that is more honest than saying we sign up to a code that we're not entirely certain is always implemented as well as it should and isn't inspected as well as it should."*²⁶

The Inquiry heard that both SAIF and NAFD are embarking on efforts to raise public awareness of their existence and standards.

Mr Judd told the Inquiry that NAFD members want their clients to know that they meet the scrutiny and the standards of NAFD, but that "*the sad thing is, awareness in the*

21 CMA, *Funerals Market Study*, 28 March 2019, gov.uk website.

22 NAFD Disciplinary Notices, NAFD website.

23 SAIF, *SAIF's response to the CMA's Provisional Decision Report 16.10.20*, gov.uk website.

24 Witness transcript of Mr Andrew Judd, Chief Executive, NAFD.

25 Witness transcript of Mr Terry Tennens, Chief Executive, SAIF.

26 Ms Clare Montagu, Poppy's Funerals, attendee at London seminar, 12 December 2023.

general public about, you know, people ... lots of members of the general public will not have heard of any trade association, they think the government regulates it".²⁷

Mr Tennens said: *"The public awareness of either being a member of the NAFD or a member of SAIF is limited, sadly."²⁸*

Due to the lack of effective regulation, trade associations are unable to prevent funeral directors who repeatedly breach their standards from operating. If significant issues within a funeral home that is a member of SAIF or NAFD are uncovered through inspection or reporting, there are limited enforcement options or sanctions available for non-compliance. Although trade associations can expel a member and request (but not require) the removal of the association's logo from the member's branding, the only option available to enforce compliance with such requests is to contact Trading Standards. This is a further example of systemic failure in the present self-regulatory framework.

2.4 Independent Funeral Standards Organisation

NAFD created the Independent Funeral Standards Organisation (IFSO) in January 2022 as *"an independent regulatory body that will provide a robust mechanism to monitor quality standards among funeral firms".²⁹* While it is described as a regulatory body, IFSO does not function under legislation and does not have powers to impose sanctions. The Inquiry found that IFSO is registered with Companies House as a community interest company and does not have shareholders.³⁰ The articles of association for 2022 and the revised articles for 2024 both list NAFD as the only member of the company. It would appear that NAFD had the same level of legal interest in IFSO's management and operation in 2022 as it does now, and that IFSO is not independent of NAFD. Mervyn Pilley, Secretary of both NAFD and IFSO, told the Inquiry that *"following the unexpected departure of the second Independent Chair in November 2023, NAFD representatives had to be appointed to the CIC board to comply with company law"* and that *"this was always due to be an interim measure".³¹*

Mr John Withington, IFSO's Chief Executive Officer from its inception until August 2022, told the Inquiry that IFSO was *"an undertaking initiated by NAFD, and it was ahead of an expected desire on the part of the Ministry of Justice to start regulating at some point in the industry".³²*

The responsibility to inspect all the funeral directors that were members of NAFD was transferred to IFSO on its establishment. The intention was for membership of – and hence inspection by – IFSO to be available to non-NAFD members, but no other funeral

27 Witness transcript of Mr Andrew Judd, Chief Executive, NAFD.

28 Witness transcript of Mr Terry Tennens, Chief Executive, SAIF.

29 NAFD website.

30 Companies House, gov.uk website.

31 Letter from Mervyn Pilley to the Inquiry, 6 August 2024.

32 Witness transcript of Mr John Withington, former Chief Executive Officer, IFSO.

directors signed up. Mr Judd told the Inquiry that the financial model that had been prepared by his predecessors was based on a much larger projected membership.³³

Mr Tennens told the Inquiry that, in 2019, SAIF reviewed NAFD's proposal to form IFSO, but SAIF decided to await the outcome of the CMA investigation before deciding whether to proceed. NAFD proceeded to form IFSO prior to the outcome of the investigation. According to Mr Tennens, SAIF members could not afford to join IFSO due to the way in which it was set up.³⁴

The Rt Hon. David Heath CBE, IFSO's Chair from its inception until August 2022, told the Inquiry that IFSO's Board had struggled to reconcile the funding required to set up the organisation with what was being provided by NAFD. He also explained that, when it became clear that SAIF was not going to join IFSO:

*"NAFD took a decision, which I very much regret, which was effectively that they were going to stop funding at the level – even the meagre level that they had done – that they required me to get rid of the permanent staff in terms of the Director of Regulation, which was very unfortunate because he had been doing a very good job, in my opinion. And that they were effectively going to bring the policy direction of the organisation in house. So, they were controlling not only the finances, but also the overall policy. My colleagues on the board discussed this. We all, between us, had a huge amount of experience of independent regulation, and we all felt that this was untenable. And that it would be quite wrong for us to effectively provide cover for what was essentially an in-house operation, and pretend that that was independent regulation, which it clearly wasn't. And we agreed that, as a board, we would be in a position where we had to resign, which we did at the end of July I think largely because they define themselves as not being NAFD."*³⁵

Ms Natalie McKail, former Inspector of Funeral Directors in Scotland, was appointed as Chair of IFSO in August 2022 and stepped down in December 2023. The Inquiry explored this further in an interview with Ms McKail. In her view, IFSO was not operating independently of NAFD and she expressed frustration about what she considered to be the lack of resources available to enable IFSO to carry out its functions properly. She shared her view that *"in making any decision about any sector, data and evidence is king"*. She felt that there was:

*"... an inherent tension around management of that compliance data. And the ability for us to be able to open that up, and to be more publicly accountable, comes from not just being funded by one organisation."*³⁶

Mr Pilley told the Inquiry that IFSO was established as a community interest company under a shared services approach. This was intended to ensure the operational independence of NAFD, which NAFD felt was in the public interest. However, Mr Pilley noted that, in practice, the functional independence of NAFD was dependent on IFSO securing the membership of non-NAFD members:

33 Witness transcript of Mr Andrew Judd, Chief Executive, NAFD.

34 Witness transcript of Mr Terry Tennens, Chief Executive, SAIF.

35 Witness transcript of Mr David Heath, former Chair, IFSO.

36 Witness transcript of Ms Natalie McKail, former Chair, IFSO.

“IFSO’s long-term success depended on its ability to attract funeral directors outside of NAFD membership to subscribe to the same inclusive and consistent quality assurance services. In doing so, IFSO would have become financially sustainable and independent of the NAFD. Despite its best endeavours at the time and since to engage with the wider sector, IFSO regrettably failed to secure the commitment needed from non-NAFD member firms to operate their businesses under independent scrutiny and oversight ... The IFSO model as originally intended simply could not survive being funded in isolation by a single not-for-profit trade association.”³⁷

In September 2024, Mr Pilley contacted the Inquiry to confirm that it was unanimously agreed at a meeting of the NAFD Ltd Governing Board of Directors on 15 July to withdraw funding from IFSO. The IFSO Board was informed of this decision. The Board met in August 2024 and unanimously agreed that the company would cease operational activity as soon as possible.³⁸

While there is merit in the attempts of trade associations to implement and monitor standards in the funeral sector, they are currently unable to act as regulators and should not be expected to do so. Until there is an independent statutory organisation with regulatory authority, there will continue to be a fundamental, systemic flaw in the sector.

2.5 Inspections

SAIF has 12 contracted quality assurance assessors/inspectors, who undertake routine inspections every three or four years. They take a risk-based approach where there are concerns, so some organisations are inspected more often.³⁹

IFSO took over the role of inspecting NAFD members’ premises. A team of 3.5 full-time equivalent IFSO inspectors inspected 1,604 NAFD member premises (less than 50 per cent) over approximately two years, between January 2022 and March 2024. As of March 2024, they were inspecting on average 80 premises a month.⁴⁰ The Inquiry understands that the COVID-19 pandemic affected the inspection schedule and that there are plans to increase the number of inspectors.

Co-op, Dignity and Funeral Partners all have corporate NAFD membership, which means that their branches are NAFD members. Since IFSO began inspecting in January 2022, it has inspected 250 of Dignity’s branches as of April 2024 and 53 of Co-op’s branches as of February 2024.⁴¹

Mr Nick Edwards, Interim Chief Executive of Dignity, said that he would like to see more branches inspected.⁴² Ms Gill Stewart, Managing Director of Co-op Funeralcare, shared her view about IFSO inspections:

37 Letter from Mervyn Pilley to the Inquiry, 6 August 2024.

38 Email from Mervyn Pilley to the Inquiry, 10 September 2024.

39 Witness transcript of Mr Terry Tennens, Chief Executive, SAIF.

40 Witness transcript of Mr Nigel Cooper, former Head of Quality Risk and Compliance, IFSO.

41 Witness transcripts of Mr Nick Edwards, Interim Chief Executive, Dignity, Ms Gill Stewart, Managing Director, Co-op Funeralcare and Mr Sam Kershaw, Chief Executive, Funeral Partners.

42 Witness transcript of Mr Nick Edwards, Interim Chief Executive, Dignity.

*"I think they're beneficial in so much that they provide us with additional oversight of our practices and, you know, helpful for a large organisation. I think it's always been very difficult without a significant increase in fees for IFSO to provide what you might want as overall coverage. So it's never been that we've relied on IFSO to be our only means ... to provide assurance of the operation."*⁴³

Mr Sam Kershaw, Chief Executive of Funeral Partners, shared his view about IFSO inspections:

*"I think they've been very effective, because it's the only form of checking we've got ... they have the right to enter any of your buildings on site and where you're caring. So, that makes it much more effective."*⁴⁴

The Inquiry heard mixed views at the seminars about the effectiveness and frequency of SAIF and IFSO inspections. The Inquiry heard from the attendees that there were delays in receiving feedback, and that feedback did not always relate to the Codes of Practice. One attendee said that security measures were not assessed.

2.6 Direct cremation organisations

The Inquiry asked Mr Judd whether direct cremation organisations could be members of NAFD. He said that a large direct cremation provider had approached NAFD regarding membership but it was not eligible because NAFD wants *"scrutiny over the seen and the unseen"*.⁴⁵ He also explained to the Inquiry that the Westerleigh Group (one of the UK's largest independent cremation providers) is a supplier member, but that the direct cremation part of the company is not part of the membership.⁴⁶

Mr Tennens explained that, although SAIF members offer direct cremation as funeral directors, they cannot be a SAIF member if they offer only direct cremation.⁴⁷

Mr David McLaren, Head of Operations for Pure Cremation, confirmed to the Inquiry that it is a member of the Federation of Burial and Cremation Authorities (FBCA) and the ICCM, and that the FBCA inspected it prior to it becoming a member. He explained that it was looking into whether it could apply for SAIF or NAFD membership.⁴⁸

Mr Alex Moore, Operations Manager for Distinct Cremations, part of the Westerleigh Group, explained that NAFD's and SAIF's Codes of Practice are aimed at the arrangement of funerals, which is not a service that it offers. However, it is applying for membership of both organisations with a view to taking *"the best"* from their Codes of Practice.⁴⁹

Mr McLaren explained to the Inquiry that Pure Cremation has an arrangement with local funeral directors to store the deceased pending collection and transfer to its

43 Witness transcript of Ms Gill Stewart, Managing Director, Co-op Funeralcare.

44 Witness transcript of Mr Sam Kershaw, Chief Executive, Funeral Partners.

45 Written statement of Mr Andrew Judd, Chief Executive, NAFD.

46 Ibid.

47 Written statement of Mr Terry Tennens, Chief Executive, SAIF.

48 Witness transcript of Mr David McLaren, Head of Operations, Pure Cremation.

49 Witness transcript of Mr Alex Moore, Operations Manager, Distinct Cremations.

central mortuary. He also explained that the company maintains a 'do not use' list of funeral directors whose operating and storage arrangements are not considered to be of a satisfactory standard, and that it is carrying out an audit of all the funeral directors it uses.⁵⁰ Mr McLaren confirmed that there were currently four funeral directors on the list.⁵¹ The Inquiry was concerned to hear that the standards of these funeral directors were considered so unsatisfactory as to merit inclusion on a 'do not use' list.

Mr Moore told the Inquiry that Distinct Cremations *"don't tend to work with any funeral directors who aren't SAIF or NAFD registered"*.⁵²

2.7 Governance

There was a wide range of governance models in place across the funeral directors with which the Inquiry engaged, reflecting the wide range of business models.

Small, family-run firms are largely self-governing but are required to comply with company law if they are established as limited companies or formal partnerships, with a focus on financial governance rather than on the quality of care of the deceased.⁵³ Internal assurance of compliance with policies and procedures is at the discretion of the owners.

We interviewed representatives of the three large funeral director chains, each of which had corporate governance structures and assurance in place.

Ms Stewart, Managing Director of Co-op Funeralcare, is a member of and is accountable to the Co-op Operating Board. Two heads of client operations report to the Managing Director. The business is managed at a regional level by 17 regional operations managers to whom local funeral services managers and care logistics managers report. A Risk and Assurance Team and a Health and Safety Team visit Co-op branches and care centres to observe and record practice against standard operating procedures. The Managing Director and her team have access to management information that allows them to monitor performance against standard operating procedures. Everyone who works at Co-op is an employee of the company.⁵⁴

Mr Kershaw, Chief Executive of Funeral Partners, reports to a Board of Directors. He is supported by a senior team. The Chief Operations Officer is supported by two regional directors, below whom there is a structure of regional managers, area managers, local managers and funeral directors. Everyone who works at Funeral Partners is employed by the company. Local managers are responsible for making sure that practice is in line with standard operating policies. There is a regular programme of audit to check compliance with this. The results of audits are discussed by the senior team each week. Operational risk is scrutinised at a monthly meeting.⁵⁵

50 Witness transcript of Mr David McLaren, Head of Operations, Pure Cremation.

51 Email from Mr David McLaren (Head of Operations, Pure Cremation) to Inquiry, 26 April 2024.

52 Witness transcript of Mr Alex Moore, Operations Manager, Distinct Cremations.

53 Companies House, gov.uk website.

54 Witness transcript of Ms Gill Stewart, Managing Director, Co-op Funeralcare.

55 Witness transcript of Mr Sam Kershaw, Chief Executive, Funeral Partners.

Mr Edwards, Interim Chief Executive of Dignity, is part of an Executive Committee reporting to the Dignity Board, which is responsible for running the company. There are 11 heads of region who report to the Chief Operating Officer, who is also part of the Executive Committee. There are standard operating procedures in place and an internal audit function checks compliance with these. The internal audit programme and actions arising from it are overseen by Dignity's Audit Committee. Everyone who works at Dignity is employed by the company.⁵⁶

Mr Moore told the Inquiry that Distinct Cremations has policies and procedures in place but does not currently have an audit function to check compliance with these.⁵⁷

Mr McLaren told the Inquiry that Pure Cremation has an internal audit process to check compliance with protocols.⁵⁸

What we have found

- Anyone can be a funeral director. They do not need a licence, experience, qualifications or training, and they can use whatever facilities and equipment they choose.
- The sector has developed its own systems for ensuring provision of quality services. Those who have chosen to be members of the National Association of Funeral Directors (NAFD) and the National Society of Allied and Independent Funeral Directors (SAIF) benefit from having a Code of Practice to follow, being inspected, and accessing practical guidance, training and qualifications. Members of NAFD and SAIF may relinquish their membership with no consequences, and organisations that offer only direct cremation are not eligible to be members of NAFD or SAIF. Those funeral directors who choose not to be a member of either trade association do not have any external scrutiny of their standards of care.
- IFSO did not function under legislation, did not have powers to impose sanctions and was not independent of NAFD.
- There is a wide range of operating models and corporate governance arrangements across the sector.
- There is no organisation with specific powers to stop a funeral director from operating as such in the event of poor practice, misconduct or neglect falling short of a criminal threshold or which is not within the remit of other regulatory bodies, such as the Financial Conduct Authority or the Health and Safety Executive.

56 Witness transcript of Mr Nick Edwards, Interim Chief Executive, Dignity.

57 Witness transcript of Mr Alex Moore, Operations Manager, Distinct Cremations.

58 Witness transcript of Mr David McLaren, Head of Operations, Pure Cremation.

- In March 2021, the government accepted in principle the Competition and Markets Authority's recommendation that the UK government and the devolved administrations of Wales and Northern Ireland should establish a regulatory regime for funeral services. The government wished to explore whether a co-regulatory system with the sector would be effective. The Ministry of Justice told the Inquiry that it is evaluating the effectiveness of the current oversight arrangements and is awaiting the recommendations from this Inquiry.
- The primary legislation was already in place in Scotland to enable the Scottish government to introduce regulation in the funeral sector, although the development of the regulatory system took eight years. There is no equivalent enabling legislation for England. This means that, should the UK government decide to establish a statutory regulatory regime, it may involve introducing a bill into Parliament for debate and approval by the House of Commons and the House of Lords before receiving Royal Assent. This can be an extremely lengthy process. The Inquiry is very concerned that poor practice in the funeral sector may continue unchecked in the meantime.

Chapter 3:

Conclusions and recommendations

In this Interim Report on the funeral services sector, the Inquiry has provided an overview of the funeral sector in England. We examined the size of the sector and the different business models, and we explored the emerging direct cremation businesses that have grown in popularity in recent years. We have noted the circumstances under which the public engage with the funeral sector and the extent to which low levels of knowledge of the sector make consumers more vulnerable, and that the current opportunities for redress if something goes wrong are limited. We have found, and many sources have noted, that public perception is that the funeral industry in England is already regulated on its operational practices, including care of the deceased and professional qualifications, but that this is not the case.

In Chapter 1 we covered ‘What happens now’ and the evidence we have received so far to inform our recommendations. This chapter set out the ways in which funeral directors ensure the security and dignity of the deceased and the extent to which these practices are present across the industry. We provided a sample of industry attitudes towards certain policies and procedures, such as closed-circuit television (CCTV) and staff checks.

The Inquiry found wide variation in policies and procedures across funeral directors in England, with greater standardisation of practice and quality among the larger chains. The Inquiry also found that there are examples of poor practice which have compromised the security and dignity of the deceased, and that these two findings together may indicate a systemic failure to protect the deceased through a lack of standard policies and procedures.

In Chapter 2 we set out the current limited regulatory environment in England for funeral directors, covering legislation protecting purchasers of future funeral plans and the absence of regulation relating to other important aspects of the funeral sector, such as operational practices, professional qualifications of staff and the quality of care of the deceased. This chapter also reflected on the role of trade associations and their Codes of Practice and inspection regimes, as well as setting out the governance arrangements of larger funeral providers. This chapter also noted the arrangements in place for regulating the funeral sector in Scotland.

In this chapter we found that anyone can be a funeral director. They do not need a licence, experience, qualifications or training, and they can use whatever facilities and equipment they choose. In effect, the sector is an unregulated free for all.

We also found that, through its trade associations, the industry has developed its own practices for monitoring standards across some of the sector, but that these have clear limitations. There are no organisations in England with the power to prevent funeral directors operating on the basis of poor practice or neglect not deemed to be criminal. The Inquiry also reflected on the previous Competition and Markets Authority recommendation that the UK government establish an inspection and registration regime to monitor the quality of funeral director services and the government's response.

The Inquiry is continuing with its work on Phase 2, as per the Terms of Reference, and is exploring the current policies and procedures in place in NHS and non-NHS settings, including medical education settings, local authorities, hospices and private hospitals. The Final Report of Phase 2 of the Inquiry will reflect on these settings and make recommendations for ensuring the security and dignity of the deceased across England.

We have set out below the recommendations of this Interim Report into the funeral sector. These are based on the evidence gathered during this phase of the Inquiry. The Inquiry continues to welcome contributions on the funeral sector and, as far as the information is in the public domain, we will monitor the outcome of police investigations where the Inquiry is made aware that these raise issues touching on the Inquiry's work.

At this stage, the Inquiry has not made any findings or recommendations regarding the professional regulation of staff who have direct involvement in the care of the deceased. This is an issue which will be examined across all the sectors we are investigating in Phase 2 of the Inquiry and will be included in the Final Report.

The Inquiry may provide further evidence and recommendations relating to the funeral sector in the Final Report of Phase 2.

3.1 Recommendations

Recommendation 1

- The UK government should establish an independent statutory regulatory regime for funeral directors in England as a matter of urgency in order to safeguard the security and dignity of the deceased. This regime should include a licensing scheme, mandatory standards against which funeral directors should be inspected regularly, and enforcement powers. The Inquiry would expect to be informed by the government what this statutory regulatory regime will be before publication of the Inquiry's Final Report.

Recommendation 2

- These regulations and standards should be considered within the overall care and journey of the deceased rather than applying in isolation to funeral directors. This will be explored further and commented on by the Inquiry in the Final Report of Phase 2.

Recommendation 3

- The standards should include details of mandatory information to be given to customers by funeral directors to provide transparency about the care of the deceased, including information on measures to protect their security and dignity, and what should be expected of funeral directors' services.

Recommendation 4

- Direct cremation businesses should also be considered in this context, and mandatory standards to protect the security and dignity of the deceased should be applied to these businesses and to any emerging new models of delivery of care for the deceased.

Recommendation 5

- While the introduction of a proportionate statutory regulation and inspection regime may require significant adjustment by funeral director organisations, it is the view of the Inquiry that the benefit to customers and the need for public confidence outweigh the difficulties that may be experienced by some businesses.

Appendix 1:

How we did our work

For Phase 2 of the Inquiry, our work has required a change of focus from the individual system within which David Fuller operated at Maidstone and Tunbridge Wells NHS Trust, to wider settings in which the deceased are cared for prior to either cremation or burial. To undertake our enquiries for this Interim Report into the funeral sector, we placed the Terms of Reference for Phase 2 at the centre of our work. The Terms of Reference relevant to this Interim Report are:

- To consider whether procedures and practices (including the use of locum Anatomical Pathology Technologists) in non-hospital settings, including local authority mortuaries, funeral directors, the NHS ambulance service, medical schools, temporary mortuaries, direct funeral companies and hospices, where bodies of the deceased are kept, safeguard the security and dignity of the deceased and would prevent a recurrence of matters raised by the case of David Fuller.

From initial scoping work undertaken in July 2023, the Inquiry obtained a commercial dataset of around 4,500 funeral directors operating across England. Given the large number of individual funeral directors, we developed a methodology that enabled us to collect evidence from such a broad population.

The methods we used

We used the following methods to collect our evidence:

- a questionnaire for around 4,500 funeral directors;
- two national seminars to which a selection of funeral directors who had responded to the questionnaire were invited, one held in Manchester and a second in London;
- interviews with key individuals in the industry;
- statements from key organisations; and
- desk-based research.

Questionnaire

The Inquiry issued a questionnaire to around 4,500 funeral directors in July 2023. We received over 100 responses, three of which were from the largest providers: Co-op Funeralcare, Dignity plc and Funeral Partners Ltd. We considered that the responses reflected a range of views from funeral directors of different sizes, operating models and locations, and that they could reliably assist us with our enquiries.

National seminars

We held two national seminars for funeral directors to attend, one in Manchester and one in London. The seminars were attended by 24 funeral directors, 12 in each location. The seminars were structured discussions, facilitated by the Solicitor to the Inquiry. They involved a panel formed by key members of the Inquiry team and chaired by the Inquiry Chair, Sir Jonathan Michael.

The other members of the panel were:

- Rebecca Chaloner – Secretary to the Inquiry
- Jane Campbell – Deputy Secretary to the Inquiry
- Kathryn Whitehill – Head of Investigations for the Inquiry
- Tim Suter – Solicitor to the Inquiry

The discussion was structured around the Inquiry's Terms of Reference and issues that arose during Phase 1 of the Inquiry's work. Both seminars lasted for three hours.

The seminars were recorded and these recordings were published on the Inquiry's website.

Interviews and statements

The Inquiry conducted interviews with 21 witnesses who held key positions associated with the funeral sector. These were formal interviews conducted under the Inquiry's interview protocol. Statements were provided by eight individuals or organisations.

Analysis of evidence

All the evidence we gathered was analysed against the Inquiry's Terms of Reference. Advice was sought from the Inquiry's Independent Advisers where necessary. The Inquiry's findings and recommendations in this Interim Report are based on the analysis of the evidence we received.

Appendix 2:

Terms of Reference

Background

1. David Fuller, an electrical maintenance supervisor firstly at Kent and Sussex Hospital and then later at Tunbridge Wells Hospital, was arrested in December 2020 for the murders of two women in 1987. When police searched his house, they found images and videos of him committing sexual offences on the bodies of at least 100 women and children at the Maidstone and Tunbridge Wells NHS Trust mortuary since 2008.
2. In January 2021, David Fuller pleaded not guilty to the murders. He was later charged with the mortuary offences. In October 2021, he pleaded guilty to the mortuary offences. In November 2021, he pleaded guilty to the murders.
3. Maidstone and Tunbridge Wells NHS Trust began an investigation into the activities of David Fuller overseen by an independent Chair, Sir Jonathan Michael. On 8 November 2021, the Right Honourable Sajid Javid MP, Secretary of State for Health and Social Care announced that this was to be replaced with an independent inquiry given the scale and nature of the offences. The Inquiry has not been set up under the Inquiries Act 2005 and will be adopting a non-judicial approach to its work.

Terms of Reference

4. The Inquiry will be split into two phases:
 - an initial report, on matters relating to Maidstone and Tunbridge Wells NHS Trust, reporting by the middle of 2022, and
 - a final report, looking at the broader national picture and the wider lessons for the NHS and for other settings, reporting by the middle of 2023.
5. The Inquiry will review David Fuller's unlawful actions, how he was able to carry these out, why his actions went apparently unnoticed, and will make recommendations with the aim of preventing anything similar happening again.
6. An important part of the Inquiry is to afford the families who have been affected by David Fuller's offending an opportunity to be heard and for the Inquiry to be informed by this. The Inquiry will preserve the anonymity of families throughout the course of its work. Staff of the Trust and of David Fuller's private sector employers who have been affected by David Fuller's actions will also have an opportunity to share their experiences with the Inquiry. The Inquiry

will make sure that families and others affected by the actions of David Fuller can share their experiences and information with it in ways that are supportive and sensitive.

7. The Inquiry will also consider evidence and information from other interested parties, including, for example, Maidstone and Tunbridge Wells NHS Trust and its predecessors ('the Trust'), relevant regulatory bodies and subject matter experts. All interested parties are required and expected to cooperate with the inquiry as is normal, professional practice. Findings and recommendations from previous relevant reports will also be considered in the work of the Inquiry.
8. The Inquiry will treat all information and personal data received in accordance with all relevant legal and regulatory requirements, including the UK General Data Protection Regulation (GDPR).
9. The Inquiry will ensure that the families of victims are kept informed of progress. The Inquiry team will remain accessible throughout.

The issues the Inquiry will consider in each phase, but is not limited to, are as follows

Phase 1

- To consider the process by which David Fuller was recruited and employed by the NHS and by private sector facilities maintenance service providers during the period 1989 to 2020 and whether appropriate and adequate checks were carried out prior to and during his employment, whether the current checks are appropriate for individuals with access to mortuary facilities, and whether risks associated with those checks were managed.
- To determine what access David Fuller was given to the mortuary and other areas of the Trust, and whether this was subject to usual or appropriate supervision, oversight and assurance, including analysis of swipe card activity and CCTV.
- To identify any evidence of other inappropriate or unlawful activities by David Fuller elsewhere on Trust premises.
- To review any evidence of complaints, concerns or incidents concerning David Fuller's behaviour at the Trust, and how they were addressed by the Trust and his private sector employers.
- To consider whether the Trust's arrangements for management of the mortuary, including security and access, to safeguard the bodies of the deceased, were in accordance with Human Tissue Authority (HTA) standards, any relevant guidance or regulatory requirements and any relevant recommendations from other inquiries.
- To consider whether arrangements for post-mortem examinations were satisfactory.
- To examine inspection reports of the mortuary by the HTA and any other regulator, and the associated assurance processes.

- To consider whether the Trust's Board received sufficient assurance on the issues raised by the case of David Fuller.
- To examine arrangements for transfer of the deceased between the Trust and other organisations, for example local funeral directors and to identify whether concerns were, or should have been raised.

Phase 2

- To consider whether procedures and practices in hospital settings, including in the private sector, where bodies of the deceased are kept, safeguard the security and dignity of the deceased, and would prevent a recurrence of matters raised by the case of David Fuller.
- To consider whether procedures and practices (including the use of locum Anatomical Pathology Technologists) in non-hospital settings, including local authority mortuaries, funeral directors, the NHS ambulance service, medical schools, temporary mortuaries, direct funeral companies and hospices, where bodies of the deceased are kept, safeguard the security and dignity of the deceased and would prevent a recurrence of matters raised by the case of David Fuller.
- To consider the role of regulators and their use of regulatory measures in assuring that mortuary practices safeguarded the security and dignity of the deceased in all settings, and hence consider the effectiveness of the national regulatory regime.
- To consider any other issues that arose during Phase 1 of the Inquiry.

General

10. The Inquiry will

- Produce a Phase 1 report on its findings and recommendations on issues arising from its consideration of events at Maidstone and Tunbridge Wells NHS Trust and identify areas of concern for the wider NHS to be aware.
- Produce a final report which will provide an overview of the information it has reviewed, and which will set out the Inquiry's findings and its recommendations.
- Publish anonymised accounts, setting out the experiences of the families affected by David Fuller's offending and inappropriate behaviour, and the impact this has had on them.
- Escalate any matters it comes across that require immediate attention to the relevant authorities.
- Report any instances of apparent collusion or other conduct of concern (including conduct that indicates the potential commission of criminal or disciplinary offences, or breach of professional codes of conduct) to the

relevant employer(s), professional or quality regulator(s), and/or the police for their consideration. The Inquiry does not have the power to impose disciplinary sanctions or make findings as to criminal or civil liability.

11. The Inquiry will aim to make its initial report to the Secretary of State for Health and Social Care by the middle of 2022 and its final report with its findings and recommendations by the middle of 2023. The Secretary of State for Health and Social Care will make arrangements for their presentation to Parliament.
12. Although the Inquiry will be restricted to matters concerning mortuary practices in England, its findings and recommendations may have relevance across the United Kingdom.

Addendum

This is an addendum to the Terms of Reference that were published by the Inquiry on 23 February 2022. The addendum relates to points 4 and 11 of the Terms of Reference. New information has been provided to the Inquiry. The Inquiry will investigate this new information in line with its Terms of Reference which include assessment of the management of the mortuary, including the arrangements for security and access necessary to safeguard the bodies of the deceased.

This further investigation means that the Inquiry will now be unable to publish its initial report on matters relating to Maidstone and Tunbridge Wells NHS Trust before the Autumn 2023. A final report, looking at the broader national picture and the wider lessons for the NHS and for other settings is planned for publication in 2024. The Inquiry will present the findings of both reports to the Secretary of State for Health and Social Care, who will make arrangements for their presentation to Parliament.

Appendix 3: Team members

Members of the Inquiry team

Sir Jonathan Michael, Chair of the Inquiry (from November 2021)

Rebecca Chaloner, Secretary to the Inquiry (from November 2021)

Jane Campbell, Deputy Secretary to the Inquiry (from November 2021)

Kathryn Whitehill, Head of Investigations (from September 2022)

Yvonne Waring, Business Manager (from January 2022)

Henny Goddard, Policy Officer (from July 2022)

Claire Gillespie, Inquiry Team Leader (from January 2024)

Libby Crowther, Inquiry Support Officer (from March 2024)

Legal representatives

Tim Suter, Partner, Public Regulatory, Fieldfisher

Laura Penny, Senior Associate, Fieldfisher

Alice Boydell, Associate, Fieldfisher

Liah Roberts, Solicitor, Fieldfisher

Independent Advisers

Professor Michael Osborn, MRCS FRCPath, Consultant Histopathologist and former President, Royal College of Pathologists

John Pitchers, MSc, FAAPT, FRSPH, MIBMS, Chair, Association of Anatomical Pathology Technology, Service Manager, Mortuary and Coroner Support, Legal and Democratic Services, Bristol City Council

Communications

Simon Whale, Executive Chair, Luther Pendragon

Jennifer Evans, Associate Director, Luther Pendragon

William Gray, Associate Director, Luther Pendragon

Tabitha Adams, Senior Consultant, Luther Pendragon

Adrian Dias, Head of Luther Studio, Luther Pendragon

Harriet Reeve, Consultant, Luther Pendragon

Appendix 4:

Witnesses

In addition to receiving over 100 responses to its questionnaire, the Inquiry collected evidence from a total of 48 witnesses through interview sessions, provision of statements or participation in one of the Inquiry's seminars.

The individuals and organisations that provided evidence were:

- British Institute of Funeral Directors
- Competition and Markets Authority
- Co-operative Funeralcare
- Dignity plc
- Distinct Cremations
- Financial Conduct Authority
- Funeral Partners Ltd
- Rt Hon. David Heath CBE, former Chair of IFSO
- Home Office
- Independent Funeral Standards Organisation (IFSO)
- Institute of Cemetery and Crematorium Management Ltd
- Ms Natalie McKail, former Chair of IFSO
- Ministry of Justice
- National Association of Funeral Directors
- National Society of Allied and Independent Funeral Directors
- Pure Cremation
- Scottish Government Burial and Cremation policy officials
- Mr John Withington, former Chief Executive Officer of IFSO

Participants at the Inquiry's funeral director seminar in London, held in December 2023:

- Maria Davies, H. Porter & Sons
- Jeremy Field, C.P.J. Field
- Saul Hunnaball, Hunnaball Family Funeral Group Ltd
- Wendy Jackson, Jacksons Hub Ltd
- Andrew Leverton, Leverton & Sons Ltd
- David McLaren, Pure Cremation
- Clare Montagu, Poppy's Funerals
- Jo Parker, Abbey Funeral Services Ltd
- Lee Pedley, Neville Funeral Service
- Maria Stibbards, S. Stibbards & Sons
- Nathan Van Der Pant, Penrose Funerals
- Richard Van Nes, Funeral Partners Ltd

Participants at the Inquiry's funeral director seminar in Manchester, held in October 2023:

- Claire Barrington, Barrington's Funeral Services
- David Barrington, Barrington's Funeral Services
- David Coulson, Regent Funeral Services
- Ross Hickton, Hickton Family Funeral Directors
- Paul Hilton, Paul Hilton Funeral Services
- Sarah Jones, Full Circle Funerals
- Nigel Lymn-Rose, A.W. Lymn Family Funeral Service
- Natalya McLackland, Regent Funeral Services
- Clive Pearson, Pearson Funeral Service
- Debbie Torrie, Deborah Ingham Funeral Service
- Carrie Weekes, A Natural Undertaking
- David Wright, Eric Eyre Funeral Services

Appendix 5:

Glossary of terms

Definitions of terms used within this Interim Report.

Care Quality Commission – The independent regulator of health and adult social care in England.

Code of Practice – A set of standards which explains how people working in a particular profession should behave.

Competition and Markets Authority (CMA) – A non-ministerial government department in the UK, responsible for strengthening business competition and preventing and reducing anti-competitive activities.

Cremation – The act of burning a deceased person, or the part of a funeral ceremony in which this is done.

Crematorium – A building where the deceased are cremated, usually as part of a funeral ceremony.

Department of Trade and Industry – UK government department, replaced by the Department for Innovation, Universities and Skills and the Department for Business, Enterprise and Regulatory Reform in 2007.

Department for Work and Pensions – UK government department.

Direct cremation – A cremation without a ceremony or funeral service.

Disclosure and Barring Service (DBS) – An executive non-departmental public body, sponsored by the Home Office, which processes and issues DBS checks.

Electronic fob system – A security system that uses a small electronic device, typically in place of a key.

Embalming – The practice of introducing specialist embalming solutions into the body to delay the natural effects of death.

Encoffin – To place or enclose in a coffin.

Facial purging – Decomposition of the gastrointestinal tract results in a dark, foul-smelling liquid called 'purge fluid' that is forced out of the nose and mouth due to gas pressure in the intestine.

Federation of Burial and Cremation Authorities (FBCA) – The UK's principal representative of burial and cremation authorities.

Financial Conduct Authority (FCA) – Regulates the financial services industry in the UK. Its role includes protecting consumers, keeping the industry stable, and promoting healthy competition between financial service providers.

Forensic pathologist – A subspecialist in pathology whose area of special competence is the examination of persons who die suddenly, unexpectedly or violently. The forensic pathologist is an expert in determining cause and manner of death.

Funeral director – A person or company whose business consists of, or includes, the arrangement and conducting of funerals and the subsequent burial or cremation of the deceased, for and on behalf of customers.

Funeral home – A place where a deceased person is prepared to be buried or cremated, and where relatives and friends can see the body.

Funeral Services Ombudsman – From 1994 until 2002, there was a Funeral Services Ombudsman and a Funeral Ombudsman Service through which the public could file complaints and seek redress if a funeral fell short of expected professional standards as set out in its own Code of Practice. The Funeral Ombudsman Service was a private, voluntary initiative and only applied to those funeral directors that were members.

Health and Safety Executive (HSE) – The statutory regulator of workplace health and safety.

Human Tissue Authority (HTA) – The regulator of human tissue and organs. A non-departmental public body of the Department of Health and Social Care.

Independent Funeral Standards Organisation (IFSO) – Created by the National Association of Funeral Directors in January 2022 as *“an independent regulatory body to provide a robust mechanism to monitor quality standards among funeral firms”*.

Infant Cremation Commission – Established in Scotland by ministers in 2013 to investigate certain practices by cremation authorities in relation to children.

Infusion catheter – Allows medicines, fluids or nutrition to be given multiple times intravenously.

Institute of Cemetery and Crematorium Management Ltd (ICCM) – Provides policy and best practice guidance to burial and cremation authorities.

Intubation tube – A tube that is inserted through a person’s mouth or nose, then down into their trachea.

Keypad – Security feature using a code to access a building/location.

Ministry of Justice – UK government department.

Mortuary – A place where deceased people are placed. A mortuary can provide storage only, or conduct activities as set out in the Human Tissue Act 2004, such as post-mortem examinations, where licensed by the Human Tissue Authority to do so.

National Association of Funeral Directors (NAFD) – Trade association for the funeral industry.

National Society of Allied and Independent Funeral Directors (SAIF) – Trade association for the funeral industry.

Oedema – A build-up of fluid in the body which causes the affected tissue to become swollen.

Office of Fair Trading (OFT) – UK government department.

Ombudsman – A person who has been appointed to look into complaints about companies and organisations.

Pathology – The study of disease, providing advice on the nature, cause and seriousness of a patient's illness.

Private ambulance – A medical transportation vehicle operated by a private company. These ambulances are distinct from their public counterparts, which are typically operated by government or public organisations like the NHS.

Regulation – The controlling of an activity or process, usually by means of rules.

Safeguarding – Protecting those whose needs mean that they are more vulnerable to abuse and neglect.

Self-regulation – The act or condition or an instance of regulating oneself.

Standard operating procedures (SOPs) – Instructions to perform a specific task.

Swipe card – A plastic card with magnetically encoded information to allow access to premises for authorised individuals.

Trade association – A not-for-profit organisation comprising a collection of companies that work in the same industry and are funded by their members through subscription fees.

Appendix 6: Funeral director questionnaire response form

INDEPENDENT INQUIRY INTO THE ISSUES RAISED BY THE DAVID FULLER CASE
JULY 2023

Response form seeking views on arrangements for safeguarding the privacy,
security and dignity of the deceased

Name and address of organisation. Name, position/role and contact details of person submitting response. Type of organisation (e.g., family-run, large scale).
Services provided: Funeral <input type="checkbox"/> Private Mortuary <input type="checkbox"/> Private Ambulance <input type="checkbox"/>
How does your organisation ensure that the privacy and dignity of the deceased is preserved?
What security measures do you have in place at your premises, e.g., CCTV?
Who is permitted access to the deceased and for what reasons?
What processes do you have in place to control and monitor access to the deceased?

What employment checks do you carry out on your staff?
What induction and training are staff given in relation to safeguarding the dignity of the deceased?
What supervision of staff and visitors is in place?
Do you have a lone worker policy?
Do you have safeguarding training in place?
Do you have a process for raising concerns about any incidents regarding the privacy, security and dignity of the deceased?
Are you a member of a trade association? If so, which is that and what does membership involve? Do they give advice on matters relating to the privacy, security and dignity of the deceased?
Are you subject to management/oversight by another organisation? If so, please provide details.

Have you made any changes to how you work following the news of David Fuller's mortuary crimes?

Do you think anything needs to change in how people in this sector should work to prevent David Fuller's crimes happening in this setting?

Are you aware of any incidents that have compromised the privacy, security and dignity of the deceased in the same setting as your organisation? If so, please provide details. This will help the Inquiry understand issues that have arisen and how they might be addressed.

Please share any other information that you feel would be relevant to the Inquiry.

Signed by

Date

Please submit your completed form by 4pm on Friday 11 August, to contact@fuller.independent-inquiry.uk or by post to PO Box 910, Leeds, LS1 9WH.

Appendix 7:

Oversight of the funeral care sector elsewhere

This appendix summarises research undertaken by the Inquiry into oversight of the funeral care sector in other countries.

Scotland

There are approximately 500 funeral businesses with around 930 premises in Scotland. Around 80 per cent of these are members of the National Association of Funeral Directors or the National Society of Allied and Independent Funeral Directors.¹

Following a review of the legislation on burial and cremation by the Burial Review Group, which was established by the then Health Minister, and the Infant Cremation Commission, which was established by ministers in 2013 to investigate certain practices by cremation authorities in relation to children, the Scottish Parliament passed the Burial and Cremation (Scotland) Act 2016 in March 2016.²

Chapter 2 describes how this legislation is being taken forward in relation to funeral directors.

New Zealand

In New Zealand, funeral directors must comply with the Health (Burial) Regulations 1946.³ Under the Regulations, funeral directors must register with their local authority in order to be licensed. There are strict conditions for the handling and transportation of the deceased, including standards for their storage. However, the fine for breaching the Regulations is limited to 100 New Zealand dollars. Under section 128 of the Health Act 1956, funeral home premises may be inspected at any time to ensure that minimum standards are being maintained.

New Zealand also has a voluntary membership organisation, the Funeral Directors Association of New Zealand, whose members must comply with a set of ethical principles and standards of conduct.⁴

1 Witness transcript of Ms Alexandra Wright, Co-Team Leader, Scottish Government Burial and Cremation Team.

2 Burial and Cremation (Scotland) Act 2016.

3 Health (Burial) Regulations 1946 (SR 1946/132).

4 New Zealand Funeral Directors Association Standards.

Australia

Funeral directors do not need a licence, specific training or qualifications to operate in Australia. The Australian Funeral Directors Association is a voluntary membership organisation which promotes professional funeral standards through its Code of Ethics and Code of Professional Conduct.⁵ Funeral directors have an ethical obligation to care for each deceased person with the highest respect and dignity, and to transport, prepare and shelter the deceased in a professional, caring and secure manner. However, there is no formal legal regulation of the industry.

Canada

The bereavement sector is regulated by both provincial and territorial authorities. The Bereavement Authority of Ontario introduced licences for both individuals and businesses, including funeral directors, funeral planners and funeral establishments. It sets and imposes training standards and mobility requirements aimed at delivering optimal outcomes.

Under the Funeral, Burial and Cremation Services Act 2002,⁶ the Registrar may suspend or revoke a licence if they believe that the licensee is not entitled to the licence. The Act also introduced a Code of Ethics; if a licensee fails to comply with this, the Registrar can establish a Discipline Committee. The Discipline Committee can require the licensee to attend educational programmes or can impose fines of up to 25,000 Canadian dollars.

United States

Colorado

There are no regulatory requirements for funeral directors in Colorado, but following two recent high-profile cases,⁷ there has been pressure to introduce tighter regulation. If passed, Senate Bill 24-173 would require an individual to obtain a licence to work as a funeral director, mortuary science practitioner, embalmer, cremationist or natural reductionist (someone who converts human remains into soil). Colorado is the only US state where a professional licence is not required to work in the funeral industry.⁸

If Senate Bill 24-173 is passed into law, to become a funeral director an applicant would have to graduate from an approved mortuary science school, successfully pass the arts section of the national board examination, and serve an apprenticeship of at least one year. For current practitioners, a provisional licence will be granted and, if the applicant does not meet the above requirements, they must instead prove that they have

5 Australian Funeral Directors Association Code of Ethics and Code of Professional Conduct.

6 Funeral, Burial and Cremation Services Act 2002.

7 'Colorado funeral home owner kept cremated remains of at least 30 people, police say', *The Guardian*, 17 February 2024.

8 'Colorado bill would require licenses for funeral service professionals', *Colorado Newsline*, 4 March 2024.

obtained 6,500 hours of work experience, served an apprenticeship of at least one year, and passed a fingerprint-based criminal history record check.⁹

If licence holders violate the Bill, there are grounds for investigation and discipline. Disciplinary actions introduced in the Bill include suspension or revocation of a licence, a confidential letter of concern, a requirement for additional training, and fines of up to 5,000 US dollars per violation.

Florida

Funeral practitioners in Florida are licensed, with separate licences for a funeral director, an embalmer (or a combined licence for both) and a provider of direct cremations. There are also licensing requirements for funerary businesses, including funeral homes, cemeteries and direct cremation establishments. To obtain a licence, Florida's Funeral, Cemetery, and Consumer Services division requires fingerprint records. Inspections are carried out at least annually for each licence holder, and additionally depending on the type of licence granted. Licences must be renewed biannually.

The licensing authority may deny, suspend or revoke the licence if any person identified in the application has been disciplined by a regulatory agency for any offence constituting a violation of the law that regulates the licence. It may also deny, suspend or revoke the licence if any person identified in the application has ever been convicted or found guilty of a crime in any jurisdiction directly related to the ability to operate a funeral establishment.¹⁰

Louisiana

The Louisiana State Board of Embalmers and Funeral Directors was formed in 1914 for the purpose of regulating funeral establishments, crematory authorities, embalmers and funeral directors. In order to qualify for a licence, a number of requirements must be met, including: completing an internship of at least nine months; assisting in at least 30 funerals; passing a mandatory examination; and completing a minimum of 30 hours in an accredited college.

If it is felt that a licensed establishment or funeral director is violating their licence, the State Board can investigate, but it will not file any complaints with local law enforcement.

New York State

Public Health Law Article 34¹¹ regulates all activities related to the business and practice of funeral directing, including: licensure and registration of funeral directors; inspection and registration of funeral firms; investigation of consumer/provider complaints related to the practice of funeral directing; and continuing education and training of practitioners.¹²

9 State of Colorado Senate Bill 24-173.

10 The 2023 Florida Statutes, Regulation of Trade, Commerce, Investments, and Solicitations, Chapter 497.

11 New York State Senate Consolidated Laws of New York, Chapter 45 (Public Health), Article 34 (Funeral Directing).

12 New York State Bureau of Funeral Directing.

Under Article 34, the Commissioner can investigate all alleged violations of law, rules and regulations relating to funeral directing, undertaking and embalming. The Commissioner has the power to suspend and revoke licences, prosecute, issue fines of up to 1,000 US dollars, or apply to the court for an injunction.¹³

South Africa

In South Africa, the oversight of funeral parlours and funeral services is managed as part of the Municipal Health Services function, which is also responsible for inspection and accreditation. A certificate of competence must be obtained before a funeral home business can start operating. The application for a certificate must be accompanied by a description and full plan of the premises, plus details of all individuals who will prepare the deceased on the premises.

Further licences must be obtained in order to run a crematorium, and funeral directors must be in contact with the Cemetery Board of the local district and the Department of Environmental Health to gain permission to cremate the deceased.

A person who is found to be in contravention of the relevant regulations is guilty of an offence and is liable to a fine, imprisonment for a period not exceeding five years, or both.¹⁴

Summary

The standard of regulation of the funeral sector varies considerably between countries and particularly between states in the United States. The most common form of regulation involves licensing.

13 New York State Senate Consolidated Laws of New York, Chapter 45 (Public Health), Article 34 (Funeral Directing), sections 3455–3457.

14 South African Government Notice, Regulations Relating to the Management of Human Remains, 22 May 2013.

Appendix 8: National Society of Allied and Independent Funeral Directors and National Association of Funeral Directors Codes of Practice

This appendix contains mandatory requirements of the Code of Practice of the National Society of Allied and Independent Funeral Directors (SAIF), and of the Code of Practice drawn up by the Independent Funeral Standards Organisation for members of the National Association of Funeral Directors (NAFD).

The requirements that are particularly relevant to this Inquiry are set out here. The full Codes of Practice are available on the organisations' websites.

SAIF Code of Practice

2. GENERAL CONDUCT OF A FUNERAL DIRECTOR AND SUITABILITY OF STAFF

2.1 Owners, directors and staff must be professional, respectful and diligent and appropriate staff must be experienced in the laws and procedures pertaining to the burial, cremation, transportation, all other legal methods for the disposal of the dead and all other associated services (e.g., embalming) offered to the public.

2.2 Funeral directors and staff must conduct themselves in a totally professional manner, and behave sensitively, with courtesy and complete dignity at all times. This includes complying with SAIF's social media policy for members (which can be found on the SAIF website).

3. ENGAGEMENT OF A FUNERAL DIRECTOR AND TRANSFER OF THE DECEASED

3.3 Before transferring the deceased into their care, a funeral director must ensure that:

- 3.3.1 The equipment to be used is suitable, sufficient, and well maintained.
- 3.3.2 The staff involved in the transfer of the deceased are trained to do so.
- 3.3.3 The vehicle used to transfer the deceased must be specifically for that purpose, clean and well maintained.
- 3.3.4 The deceased is treated with care and dignity.
- 3.3.5 Consideration is given to any bereaved or other persons present.

3.3.6 Confirm the identity of the deceased.

3.3.7 Securely attach to the deceased a completed identity tag (e.g., to the wrist).

5. FUNERAL DIRECTOR'S PREMISES AND CARE OF THE DECEASED

5.1 The customer must be told the location(s) at which the deceased will be cared for/kept.

5.2 Where the funeral director is using the services of another business or organisation, or any third party, to provide refrigeration or offsite care of the deceased, there must be a written service level agreement (SLA), and this should be available to the customer if requested.

5.3 A funeral director using the services of another business or organisation must make the customer aware of this, the name and location of the other business or organisation and allow inspection of the service level agreement.

5.4 All care of the deceased must take place in a location(s) specifically chosen for that purpose and the funeral director must ensure that their care facility or mortuary is fit for purpose. This requires:

5.4.1 That the premises are lockable and accessible by authorised persons only.

5.4.2 That the premises are clean, well maintained and regularly inspected to ensure high standards of cleanliness.

5.4.3 The location of, and access to and from, the building is suitable for the designated purpose.

5.4.4 That the funeral director has access to equipment that can accommodate all body types and care services offered by the funeral director, and this equipment must be well maintained.

5.4.5 Have on their premises or have access to (via a service level agreement with a third party), clean and appropriate refrigeration facilities to store the deceased in their care.

(Refrigeration facilities controlled by and for the sole use of the funeral director is compulsory for members in SAIF Scotland).

NAFD Code of Practice

(O = outcome; IB = indicative behaviour)

O(2.1). You have access to suitable facilities and equipment to enable you to care for the deceased people you take into your care;

- **IB(2.2).** You carry out annual assessments of your refrigeration capacity requirements to help ensure you can make adequate provision for the year ahead;
- **IB(2.3).** You never take more deceased people into your care than you can accommodate in suitable refrigerated spaces; and

- **IB(2.4).** You have access to mortuary equipment that can accommodate a wide-range of body types.

O(2.2). Your mortuary facility is secure and accessible by authorised persons only;

- **IB(2.5).** You keep an up to date list of persons authorised to access your mortuary facilities; and
- **IB(2.6).** Entrances to areas in which deceased people are kept are lockable and kept locked when not in use by an authorised person.

O(2.3). You either: have suitable refrigerated mortuary facilities or have access to suitable refrigerated mortuary facilities by virtue of an enforceable service level agreement with a third-party.

- **IB(2.1).** The refrigeration facilities you use are backed up by a secondary power source or temperature drop notification system and are kept between 4-7 degrees Celsius when in use;
- **IB(2.2).** You carry out annual assessments of your refrigeration capacity requirements to help ensure you can make adequate provision for the year ahead; and
- **IB(2.4).** You have access to mortuary equipment that can accommodate a wide-range of body types.

O(2.4). You have access to sufficient space to appropriately store every deceased person you take into your care.

- **IB(2.2).** You carry out annual assessments of your refrigeration capacity requirements to help ensure you can make adequate provision for the year ahead; and
- **IB(2.3).** You never take more deceased people into your care than you can accommodate in suitable refrigerated spaces.

O(3.1). You preserve the dignity of the deceased people in your care at all times;

- **IB(3.8).** You ensure all deceased people in your care are appropriately clothed or covered when not being actively cared for;
- **IB(3.9).** Where possible, you use a modesty cloth or other suitable covering to cover the genitalia and other sensitive body areas of deceased people when they are being actively cared for (e.g. during the embalming process);
- **IB(3.10).** You use an appropriate headblock to support the heads of all deceased people stored in your mortuary facility; and
- **IB(3.11).** You use a newly cleaned and disinfected tray for each deceased person you store in your mortuary facility.

