

# **The State of the UK Funeral Industry**

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## **Abstract**

The UK funeral industry is a frequently overlooked sector within critical policy discussions of State practice and welfare provision. In this article, we propose three ‘ideal types’ for making sense of State-Industry interactions: Explicit State Provision; Public-Private Legislation; and Corporate Capital. Situating these ideal types against the backdrop of austerity, we highlight three respective examples from the industry to evidence different roles performed by Funeral Directors (FDs), including: negotiations with the Department for Work and Pensions (DWP); HM Coroner contract tendering; and larger scale processes of capital accumulation through the industry’s biggest provider, Dignity plc. Our analysis reveals that the funeral industry represents a nebulous political and moral economy whose local practices differ markedly, evidencing critical insights into the workings, both present and ‘absent’, of the neoliberal State.

**Keywords:** austerity; death and dying; funeral poverty; welfare provision

## **Introduction**

Since the 2008-9 global financial crisis and the ensuing austerity agenda implemented in its wake, myriad harms and injustices have resulted from the withdrawal of social welfare provisions from areas as diverse as housing, healthcare, workplace regulation, and taxation, amongst others. One of the central questions pursued within critical social policy analyses is how such reconfigurations of policy, funding and public finance have altered the way the State works. What is the relationship between national policy and local practice? How, and to what extent, has responsibility shifted from central to local authorities? When and how are decisions implemented which exist legislatively but not operationally? In this paper, we wish to extend this ongoing scrutiny by looking at the UK funeral industry. Both indispensable and ubiquitous as a vital, if somewhat inconspicuous, service provider, the UK funeral industry is a fascinating exemplar of how complex the public-private, as well as State-corporate, nexus of end-of-life care and welfare provision in the UK is.

Even before the coronavirus pandemic, death rates have both accelerated and risen in recent years. 2018 saw the most registered deaths since 1999 in England and Wales

(N=541,589) (Office for National Statistics, 2019). 2017 recorded the highest number in Scotland (N=57,883) and Northern Ireland (N=16,036) since 2003 and 1986 respectively. Annual deaths within the UK are predicted to rise to 700,000 by 2040 (Kollewe, 2019a). Deaths within lower life expectancy wards which continue to bear the brunt of violent austerity (Cooper and Whyte, 2017) are also coupled by an ageing population, with the UK expected to have approximately 8.6 million additional people over 65 in just under fifty years-time (Office for National Statistics, 2018). These figures highlight a greater need for end-of-life services, particularly for poorer, working-class families seeking to arrange a funeral.

As an industry in high demand, it may seem surprisingly modest in size, employing around 20,000 workers. It is not a diminutive market, however, with an estimated annual turnover of £2bn in 2018 (Jordan, Ward and McMurray, 2019; Kollewe, 2018). Basic average funeral costs are now over £4,000 and more than £9,000 when professional fees and discretionary extras such as memorials, flowers, and catering costs are considered (SunLife, 2018). Recent research and pressure group campaigning has exposed the financial plight of low-income families who struggle to meet rising funeral costs, often adding to soaring personal debt in what has been dubbed the rise of ‘funeral poverty’ (Corden and Hirst, 2015). Excess profiteering within the industry has long drawn popular cultural criticism (Walter, 2005: 184), if not sustained or legislative review. Such criticism typically relies on 19<sup>th</sup> century tropes of the ‘greedy funeral director’. These caricatures often portray individual, wealthy misers lacking scruples, motivated only by profits and minimising costs. However, as we will argue, the funeral industry represents a nebulous political and moral economy whose local practices differ markedly, evidencing critical insights into the workings, both present and ‘absent’, of the neoliberal State.

Our task is to locate the State within these practices and offer a more holistic, less individualistic picture of the contemporary conjuncture. The article begins by conceptualising the State’s interactions with the funeral industry which, we argue, occurs in three ways: through Explicit State Provision; through Public-Private Legislation; and through Corporate Capital. Situating our analysis within the contemporary political context by then considering the impacts of austerity on the industry, this picture is complicated further because of its deleterious effects on those struggling to cover funeral costs and the added pressure it has placed on local authorities responsible for tendering industry contracts. Against this conceptual and contextual backcloth, we then unpack three respective examples from the industry to evidence different roles performed by Funeral Directors (FDs). This includes negotiations between FDs and the Department for Work and Pensions (DWP), the relationship between FDs and HM Coroner

contract tendering, and a sketch of the industry's largest corporate provider, Dignity plc. Through these examples, we highlight that the State's functions vis-à-vis the industry appear obviously visible and present at times, yet deceptively 'absent' at others. In doing so, we map out a series of key industry characteristics and emergent lines of enquiry for future research.

## **Present or 'Absent'? Conceptualising the State within the (UK) Funeral Industry**

The funeral industry predominantly consists of independent and private FDs, operating within their own locales. Historically, it has had far less direct, operational dealings with central government than most, if not all, services providing care and welfare. In many practical and operational respects, today's funeral industry remains closer to its 19<sup>th</sup> century forebearer than not (Walter, 2017). However, two points deserve closer consideration here. Firstly, the industry *is* changing in several key respects. Funeral care is increasingly being recognised as a welfare issue of national importance (Drakeford, 1998; Woodthorpe, Rumble and Valentine, 2013; Valentine and Woodthorpe, 2014; Corden and Hirst, 2015), while the market share enjoyed by large businesses and corporations is creeping up (Parsons, 2018). Secondly, we believe that when it comes to the funeral industry, the way we tend to classify 'what counts' as State-industry interactions often misses their very oblique nature. Despite the industry's private and local character, the State is a key component whose related roles within these local vistas we must understand in order to fully appreciate the complexities of funeral provision. As we will show, this ranges from public welfare provision to the accumulation of corporate capital.

Notwithstanding this upward 'creep' in market monopoly which we explore later, and despite some diversification of funeral rituals and body disposal (Beard and Burger, 2017), funeral economies in the West exhibit a *relatively* stable character. This differs according to religious practice, commercial autonomy and municipal legislation (Walter, 2005). Comparing 'Liberal', 'Corporatist', and 'Social Democratic' welfare regime-types (*qua* Esping-Andersen, 1990), Valentine and Woodthorpe, (2014) investigate funeral welfare provision for those struggling to meet costs. Analysing the influences of the Church, market forces, social insurance schemes, and central tax expenditure, they conclude that the UK is a liberal regime vis-à-vis funeral provision, with its focus on increasingly private, market-led welfare provision, self-reliance, and individualism, which has stigmatised welfare need and pushed funeral welfare provision to the edge of means-tested conditionality.

Traditional burials and cremations remain most popular despite a growing minority of 'DIY funerals' or woodland burials, and 'consumer choice' remains largely shaped by

businesses, firms, and industry organisations with clear vested interests in profitability (Smale, 1997; Mitford, 2000; Parsons, 2018). Mourners actively participate in British funerals (see Bailey and Walter, 2016) and our intention is not to negate their agency. What remains relatively overlooked in analyses of the UK funeral industry, however, is a more thoroughgoing conceptualisation of the State that explicitly seeks to locate, and explicate, manifestations of State power in this context. We respond to this by synthesising points of ‘cross-over’ within comparative studies of funeral organization and political economy (*inter alia* Parsons, 1999; 2018; Cottle and Keys, 2004; Walter, 2005; 2017), as well as State support for funerals (Woodthorpe, Rumble and Valentine, 2013; Valentine and Woodthorpe, 2014), and offer an explicitly State-focussed classification of the UK funeral industry.

This raises the question of how to conceptualise the State for our purposes. We deliberately offer no grand theoretical or prescriptive framework that fixes the nature or character of the State, instead maintaining that, in sociological terms, the State is what the State does. The idea that ‘the state is no more than the chance that particular kinds of specific *action* occur’ (Weber, [1920]2019: 57, emphasis in original) is a useful methodological device which focuses and refocuses attention on the practical and particular manifestations of State and social policy at any given time. Withstanding this general principle, we maintain that the UK continues to represent a neoliberal regime (Harvey, 2005) at this conjuncture, variously referred to as ‘embedded’ (Cahill, 2014) and ‘late’ (McGimpsey, 2017) neoliberalism, exhibiting various ‘afterlives’ (Kennett and Dukelow, 2018). This literature reiterates the surveillant, disciplinary functions performed through privatizing and marketizing resources and services necessarily required by citizens – services once safeguarded by the State but which become ‘coercively commodified’ on the State’s watch under neoliberalism, proliferating debt and poverty in increasingly pro-corporate markets (Kennett and Dukelow, 2018: 456).

The endurance and resilience of the neoliberal State (Walklate, Mythen and McGarry, 2012) has involved embracing and exploiting contradiction, change, and even shock (Klein, 2007) in negotiating crises, yet the funeral industry long pre-dates the birth of neoliberalism. Coupled with the universal need for funeral services, this makes for fascinating social policy terrain to contemporaneously consider the chameleonic nature of neoliberalism and its State-facilitated practices. Ensconced behind and within particular industries and areas of social policy ‘lurks the silhouette of the State, not an ideologically or economically deterministic or determined State, but one that works expediently in such a way as to ensure that institutions and organisations selectively engage in activities that populations subsequently become bound by’ (Walklate, Mythen and McGarry, 2012: 196). This metaphor of the State as a lurking

silhouette prompts the salutary question: under what policy circumstances does the State appear present or ‘absent’, visible or invisible within funeral industry practice?

For the purpose of this article and cognisant of its broader political economic status, the State’s welfare obligations should not be understood simply as the provision of subsidised social services but taken to include the management and organisation of the economy more broadly (Esping-Andersen, 1990). This includes setting legislation that affects industry, including its regulation. In emphasising the State’s interactions with the funeral industry, and the industry’s activities as fulfilling certain social welfare roles, we echo two of Esping-Andersen’s (1990: 4, emphasis added) overarching concerns. Namely, that ‘we cannot grasp the welfare state without locating its activities in relation to the private sector’, and that ‘it is a myth to think that either markets or the state are more *naturally* equipped to deliver welfare.’ As the article shows, both public/private and State/market priorities become simultaneously implicated in the industry’s work.

The following subheadings represent three ‘ideal-typical’ ways in which State practice and power are manifest within the UK funeral industry. They are presented as such, not to suggest mutual exclusivity or universality, but rather for their comparative insights, to draw links between individual examples, and are deployed as a yardstick to give some impression of scale between discrete empirical cases (Psathas, 2005: 156).

**(i) *Explicit State Provision***

Here the State is directly present through welfare support. Although this type of interaction is characterised by the explicit presence of State provision, it does not necessarily equate to full or comprehensive provision adequately meeting demand. The State’s presence may be lacking, something we consider in our analysis, and may be insufficient to cover most, let alone all, total costs incurred. The example we use is the Social Fund Funeral Payment (SFFP) in England and Wales, designed to assist bereaved families who cannot afford to meet funeral costs and is administered by the DWP. Scotland and Northern Ireland have their own respective Funeral Support Payment schemes which are virtually identical in principal but administered through Social Security Scotland and ‘NI Direct’ (a government service website), respectively.

**(ii) *Public-Private Legislation***

Here the State is present in order to become ostensibly ‘absent’. This is achieved through directing legislative change but ensuring that local operations are tendered in a ‘competitive’ marketplace. The State’s presence and ‘absence’ oscillates, depending on which social, public

duties can be outsourced and which must remain centrally performed. Rather than ‘rolling back’ State power in an absolute zero-sum game with private capital, successful subcontracting to private entities arguably augments, rather than replaces, State power (Tombs and Whyte, 2003). The example we analyse which fits this classification is the role of FDs in assisting coroners, whose services are required for investigating violent, unnatural, and suspicious deaths. Specifically, we consider the way HM Coroner contracts (a public service as far as legislation is concerned) are awarded to local FDs (and thus operationalised through private businesses) and explore some of the underlying reasons for this.

### ***(iii) Corporate Capital***

Here the State appears more conclusively ‘absent’ from the outset due to the continuation of practices that have been historically performed by private capital and industry. Although the State appears ‘absent’, it remains imbued with powers to (re)assert itself into a given space within its given legislature (officially through regulation, or unofficially through corruption). The example we analyse which fits this ideal type is the emergence of the industry’s largest provider, Dignity plc, who have acquired almost 350 individual funeral companies within their corporate group. Not only is Dignity the largest provider, it is also the only publicly listed company operating within the sector, with profit margins (just under 40%) well above international standards (currently between 6% and 26%), which makes for particularly timely analysis given the current Competition and Markets Authority (CMA) government investigation into the funeral industry (see CMA, 2019: 123).

To reiterate the practical potential for ‘cross-over’ across and between these ideal-typical forms, one funeral may conceivably involve all three. A welfare recipient who’s loved one died in violent or suspicious circumstances and whose funeral was conducted by a large corporate provider may well fall into this category. Each different role played by the State in its relation to local and private capital, however, would remain recognisable as such, meaning that our three ideal-types do not collapse in cases of ‘cross-over’. Before bringing these ideal-types to life with three respective examples, the following section first documents the wider political context in which they are embedded.

## **Grave Austerity: Funerals in the Post-2008 context**

Although we have alluded to changes in how the funeral industry operates, these changes should not be divorced from a broader consideration of fiscal policy affecting all areas of local

governance. As Gray and Barford (2018) document, the 2008 financial crisis represented a critical juncture which radically reshaped the relationship between central and local government. By 2010 the UK government posited sovereign debt as an unambiguous problem and in turn began implementing widespread austerity measures as the political solution. Almost all government departments saw significant reductions to their overall budgets, with largest cuts between 2010-2015 being targeted at the Local Government section of the Department of Local Government and Communities (Gray and Barford, 2018: 542). Despite the monumental impacts of this restructuring, scaling back national Keynesianism in favour of localized, market-oriented government is not new but rather represents relative continuity, with substantial restructuring occurring in the 1980s and 1990s following repeat economic crises after the Fordist period (Gray and Barford, 2018: 544). Importantly, the so-called ‘rolling back of the State’ should not be confused with the diminution of its powers (Gray and Barford, 2018: 544).

The spatial distribution of local cuts show that austerity’s impacts have been concentrated in areas with higher demand for local government services and welfare provision (Lowndes and Pratchett, 2012; Lowndes and Gardner, 2016; Gray and Barford, 2018), while taxation revenue has been aggressively concentrated in more affluent parts of the UK (Bailey, 2016). This unevenness has been exacerbated by the Conservative government’s ‘smarter State’ policies, whereby implementation of austerity measures has continued in combination with an ambitious programme of fiscal devolution, producing what Lowndes and Gardner (2016) term ‘super-austerity’. In practice, this has meant decentring responsibility to the local level. Unlike the localism of the Coalition government’s ‘Big Society’ agenda which focused primarily on non-State actors, devolving fiscal responsibility to local authorities effectively decentralises austerity itself. Fiscal devolution has administered deeper spending cuts to local authorities which already had their budgets all but decimated (Lowndes and Gardner, 2016).

For the funeral industry, this context is crucial when we consider stock roles it performs alongside tending to the deceased and their families. This includes tendering processes for locally-awarded contracts, such as HM Coroner contracts, which we explore in detail below. This now occurs against the twinned backdrop of austerity and devolution which has also acted to shift contracts from grant to commission-based arrangements. The deadly impacts of ‘devolved austerity’ are reflected in mortality rates (Watkins, et al. 2017), inflicting ultimate harm on those bearing the brunt of social care spending cuts and putting pressure on FDs during healthcare crises. Cognisant of this undeniable link between austerity, poverty, and associated lower life expectancy (Watkins, et al. 2017; see also Tombs, 2017), we do not wish to cleave

a discussion of so-called ‘funeral poverty’ (Corden and Hirst, 2015) away from poverty writ large.

Funeral costs are themselves subject to market forces, meaning existing financial hardships are compounded by inadequate income support provision and welfare, thus exacerbating existing inequalities. For example, ‘older women under pension age, who form the largest group of bereaved people, have been found to be at risk of losing not only their partners’ earnings but, in some cases, their own, as a result of needing to withdraw from paid work due to the psychological distress of bereavement’ (Valentine and Woodthorpe, 2014: 516). Indeed, the ability for anyone to pay for a funeral is contingent upon access to adequate funds through either welfare eligibility, bank savings, credit cards, payday lenders, insurance pay-outs, prepaid funeral plans, or support from friends and relatives (Corden and Hirst, 2015: 18).

Funeral expenditure is also disproportionately higher among working-classes and religious communities with specific ritualistic requirements (Walter, 2005: 177). Some have pointed to a certain materialist sentimentality among economically poorer families who often arrange more elaborate funerals than the middle-classes (Walter, 2017: 199). Creative personalisation and higher expenditure on the ‘good send-off’ have been linked with a desire for ‘respectability’, a term broadly inferring that certain cultures of death are informed by conspicuous consumption and managing localised social status (Strange, 2003: 145). Certain local practices may lend persuasive weight to this idea, such as when coffins are slowly driven through detours of local neighbourhoods in a glass-sided hearse (Walter, 2017: 195).

However, ideas around status frustration, conspicuous consumption, or fixation with the ‘good send-off’ say nothing about the political economy of the funeral industry itself, nor income distribution, while laying all the reasons for cost incursion with bereaved working-class families. This ignores the fact that families who either struggle to pay up-front, or who fund funerals collectively through family, religious, or other communal arrangements, must negotiate the discretionary whims of FDs. The extent to which prices are quoted more or less favourably depending on access to ‘good credit’ and immediate payment is an issue worthy of empirical research, particularly since lack of current regulation within the industry may allow extant prejudices to play out in subtly consequential ways.

Moreover, total funeral expenditure varies very little by average household income, whether households earn less than £10,000 or more than £100,000 per year (CMA, 2019: 21). The average cost of a ‘basic’ funeral increased by 6% annually in the 14 years to 2018, from £1,920 to £4,271 (£3,744 for cremations); in 2017, those in the lowest decile income group had



an annual expenditure of £11,050, meaning that a funeral might amount to 39% of this. This is higher than total spends for food, energy and clothing combined (at 26%), meaning that those in the lowest income decile spend a share of their income greater than ten times those in the highest income bracket (CMA, 2019: 20-21). In short, accusing working-class families of excessive materialism grossly misrepresents income inequality and general poverty in the UK and, therefore, funeral poverty.

## **Locating the State: Practical Intersections between State and Industry**

As we have alluded to, the funeral industry implicates both public welfare and commercial interests. Below are three practical examples corresponding to each of our ideal-types. Our intention is to show that industry policies (either legislative or individual company policies) manifest themselves as local and mutually recognisable practice between actors and organisations interacting with(in) the industry.

### **(i) *Explicit State Provision: Social Fund Funeral Payments***

Occasions when the State works explicitly with funeral providers are relatively rare when compared with local FDs and private capital. There are several exceptions to this, but our focus is on the State's primary welfare policy designed to combat directly-incurred funeral debt. This is the Social Fund Funeral Payment (SFFP), which is in place to assist bereaved families who cannot afford to meet funeral costs and is administered by the DWP. To be eligible to make a claim to the SFFP, applicants must be in receipt of an existing welfare benefit (Woodthorpe, Rumble and Valentine, 2013: 607-8). The SFFP's historical origins are beyond our scope (see Drakeford, 1998; Kennedy and Gheera, 2018), but we highlight it for two instructive reasons.

Firstly, beginning with initial enquiries about cost, through to final payments being awarded, it requires bereaved families, FDs, and DWP staff to communicate and negotiate matters effectively with each other in a timely manner. This rarely happens so smoothly given the bureaucratic nature of the funeral expenses claim form, which runs to almost twenty-five pages. It asks, among other things, a series of questions concerning the financial status of the deceased which may take family members time to produce proof of. Benefit payments are sometimes delayed until long after a funeral has been paid for (on credit cards or through payday loans companies, for example), leading to interest-accruing debt (Woodthorpe, Rumble and Valentine, 2013).

Secondly, it is a welfare resource in high demand yet woefully inadequate when it comes to meeting funeral costs. In 2016-17 there were 27,000 SFFP payments made, totalling £38.6 million or an average of £1,427 (Kennedy and Gheera, 2018: 3) – less than 35% of the average funeral cost. Although extra funds have since been made available to low-income families through Social Fund Budgeting Loans, these additional funds are repayable. As noted in a recent Commons Briefing Paper into the SFFP, only 61% of processed applications resulted in an award of any size (Kennedy and Gheera, 2018: 8). In addition, costs for expenses such as coffins, flowers, and church fees are capped at just £700. Criticisms of the fund include the fact that the DWP requires an invoice to process a claim, meaning that applicants must commit to meeting costs without having any assurances about how much, if anything, they will receive (Kennedy and Gheera, 2018: 3).

Problems reported from within the industry suggest a lack of clear information about how best to advise bereaved families, excess bureaucracy, confusion about who receives initial payment (FDs or families), and even instances where because families have had to pay costs up-front using loans or credit, the DWP has withheld awarded payments altogether (considering them ‘already paid for’). One practical response to this by sympathetic FDs has been to provide supporting invoice statements and contracts which describe prospective billing, rather than a retrospective payment, even though work may have already been carried out. Sadly, a contrasting approach has been for some FDs to either turn down benefit claimants entirely upon initial inquiry or charge deposit payments which, if somehow raised by claimants, are often not reimbursed by the State (Woodthorpe, Rumble and Valentine, 2013: 614-15).

When SFFP are granted to families, the DWP works on the assumption that the funeral has not yet been paid for. Due to time constraints, however, funerals may need to go ahead before a family has been granted payment by the State (Woodthorpe, Rumble and Valentine, 2013). In cases where SFFP payments are released directly to funeral providers after the work has already been paid for by a family, FDs find themselves partially performing the State’s role insofar as they become the practical distributors of welfare payments to families. These practices are driven by systemic and legislative factors, rather than a few ‘good or bad apples’ within the industry. A recent review of the SFFP by DWP Minister, Will Quince MP, and the Select Committee for Work and Pensions, was strongly encouraged by the National Association of Funeral Directors (NAFD), who also pressed for a market investigation to consider the ruinous impacts of the SFFP for low-income families. Consequently, future SFFP claims can be processed with estimated (that is, prospective rather than retrospective) funeral dates (Funeral Director Monthly, 2019: 13).

Other circumstances in which the State will directly and operationally interact with the funeral industry include Public Health Funerals, which are statutorily provided by Local Authorities under the Public Health (Control of Disease) Act 1984 and are provided where there is no family or friends to arrange and pay for the funeral (Woodthorpe, Rumble and Valentine, 2013). They have historically been stigmatised and referred to as ‘pauper funerals’ (Walter, 2017: 205) and while they are not our focus here, they are increasing in number. The Local Government Association recently expressed concern after a Freedom of Information request revealed that 3,800 such funerals took place in 2018 costing £5.4m (BBC News, 2019). Cuts to local authority budgets outlined earlier represent something of a ‘perfect storm’, with some people dying with nobody to arrange or pay for their funeral, at the same time as councils have less money to provide a dignified funeral.

A recent addition to ‘Explicit State Provision’ is the Children’s Funeral Fund, which was announced in April 2018. This pledged that parents of a child of more than 24 weeks’ gestation and 18 years or younger would not have to pay burial, cremation or FD fees. This Fund differs from the SFFP in many ways. Firstly, it is age (of the deceased), rather than income (of the bereaved)-driven. Secondly, the funeral must take place in England. Finally, and possibly reflecting recent changes to the SFFP described above, families will be presented with an invoice of the work with costs deducted to reflect the claim made by the FD which, it is hoped, will leave families with a net invoice of nil (Funeral Director Monthly, 2019: 23-24). All steps to address SFFP failings are to be welcomed, though it is interesting to note the distinct moral imperatives attached to children’s funeral payments versus low-income welfare claimants.

While this provision may seem at odds with the financial landscape described earlier, we argue that such a move is commensurate with performances of ‘fairness’ and legitimacy required under conditions of austerity. Government either ‘makes available’ a proportion of funds that it recently withdrew anyway (as with NHS funding pledges prior to the 2019 general election) or, as in this case, makes philanthropic gestures toward a relatively low-cost social need to discursively offset otherwise bleak budgetary announcements. As quintessentially ‘bad deaths’ (Valentine and Bauld, 2016: 112), FDs do not typically charge for children’s funerals anyway, and while crematoria, interment or minister’s fees are not inconsiderable for families, the financial burden to the State is minimal. Furthermore, reports that the fund was unavailable to the 5000 families who needed it almost a year after being announced (Moneywise, 2019) suggest that, again, bureaucratic implementation lags behind financial promises quite considerably.

## ***(ii) Public-Private Legislation: HM Coroner Contracts***

Our conceptual discussion earlier offered a second ideal-type, encompassing various public-private, or hybridised activity. An interesting example of State-industry interactions is the role of FDs in assisting HM Coroners. Coroners hold judicial, but independent, office and are paid for by local council authorities. Their services are required for investigating violent, unnatural, and suspicious deaths or where the cause of death is unknown. 220,600 deaths were reported to Coroners in 2018. They also investigate deaths in custody, which amounted to 513 in 2018 (Ministry of Justice, 2019). While the MoJ is responsible for setting coronial law and policy (see Coroner and Justice Act 2009), it does not have *operational* responsibility. Operational responsibility includes body collection and storage and is typically carried out by an appointed FD. FDs need a Coroner's contract to conduct such work. This is tendered out for contract in the relevant local authority (Chief Coroner, 2018).

A 2001 inquiry by the Office of Fair Trading noted that in 1997, 25% of coroner districts had been awarded to one FD firm through a tendering process (Office of Fair Trading, 2001). Three-quarters of Coroners' work was still distributed in a rota system among FDs who would work for set periods on 24/7 call to transfer bodies from the place of death to a mortuary. Today, however, most Coroner work is undertaken through an exclusive contractual arrangement with a smaller number of businesses regionally/locally, rather than operated by rota (Office of Fair Trading, 2001: 25).

In theory, Coroner contracts may be awarded to any FD regardless of their financial status or market share. In practice, while most FDs would have participated in a rota system, under tendered conditions it is often larger, more corporate businesses which are awarded contracts. One reason for this can be found in the Office of Fair Trading's (2001: 25) inquiry report noted above under 'Issues affecting consumer choice'. The twinned process of public legislation and private operationalisation inevitably led to an increasing monopoly by certain providers within local authority areas who saw potential commercial advantages to holding Coroner contracts. At first this seems contradictory. The rates paid to perform collections alone are offset by the fact that Coroner work is 24/7, meaning that workers on call require subsequent days off, days in-lieu, or overtime payments. Despite this, larger providers may submit financial calculations below the costs of services provided in order to ensure that they win the contracts, which should be tendered every three to four years (Chief Coroner, 2018: 63). As a first point of contact with bereaved families, the contracted funeral firm is able to

offer details of its services and, consequently, secure more business. While this practice is ostensibly frowned upon by the Chief Coroner (2018: 64), ‘many such arrangements are likely to be informal rather than contractual’ (CMA, 2019: 168) according to Co-Operative Funeralcare, among the industry’s largest providers. Families may not always be aware that they are not obliged to enlist the services of the FD conducting Coroner work. If they later decide to move the body from one FD to another, there may be a fee charged for doing so.

Conversely, larger companies’ hopes for such so-called ‘follow-on’ business may not always be realised. Often, FDs receive recommendations through word-of-mouth and frequently conduct funerals for several members of the same family. If bereaved families insist on using the same firm – a different one to the one performing Coroner duties – then there is little reason for them to change their mind. Consequently, Coroner contracts may not prove to be as profitable as initially thought. Larger firms who secure Coroner contracts through unrealistically cheap costings at tendering stage may similarly submit astronomical costings when contracts are re-tendered should they wish to relinquish them, knowing that local authorities are duty-bound to deliver ‘best value’ and enlist cheaper providers – ‘helping to reduce costs and generate greater resilience’ (Chief Coroner, 2018: 8). Hence, under the promise of fiscal devolution to provide the taxpayer with better local services for less, such manipulative market practices may actually result in more expensive Coroner provision in some areas, with variable operational capabilities in others. Provision of this judicial role is thus highly varied by geography. Some large companies are potentially better placed to retain Coroner follow-on business than others. For example, while the Co-Operative and Dignity both hold local Coroner contracts, the former trades publicly under its company name (Co-Operative Funeralcare) while the latter trades chameleonicly under the local FD name it bought out (for example, O’Sullivan & Sons; see Parsons, 2018: 160-64).

Consumer choice may also be restricted, for example, where lucrative contracts are established between hospitals, care homes, or Coroners, and FDs (CMA, 2019: 168). More importantly, the broader process for awarding Coroner contracts exposes a fundamentally misplaced faith in ‘market competition’ forced upon highly responsabilised local authorities. The market share of large companies and corporations (around 28%), versus independent FDs, is steadily increasing. Where national legislation relating to death and dying is concerned, it is these larger organisations which have increasing buying power, potentially commandeering key operations. When considering the practical accomplishment of Coroner contract awards, State policies of austerity and fiscal devolution discussed earlier clearly carry risks. Where the market identifies commercial interests in public policy and effectively monopolises public

service responsibilities depending on their profitability, competition starts to look more and more like a ‘technocratic transfer of power’ (Lowndes and Gardner, 2016: 371).

### *(iii) Corporate Capital: Dying with Dignity*

Until the early 1900s, funeral provision retained an almost exclusively localised and independently run character (Parsons, 2018: 125-26). Recent decades have seen shifting economies of scale within funeral businesses, some of which are now owned and controlled by much larger companies. This is not to overplay their market share size. In the UK there are around 5000 FDs; approximately 3000 remain ‘operated by small regional or local businesses’ (CMA, 2017: 7), demonstrating that the industry remains, to a large extent, small business-based. There are, however, two major players accounting for almost 30% of the UK funeral industry: The Cooperative Group Limited, operating under Cooperative Funeralcare, and Dignity plc. Funeral Partners Limited is the third largest supplier, capturing just under 2% of the market (CMA, 2017: 7). Our attention here is focused on one of these emerging players, Dignity plc, who provide us with an exemplar of corporate capital within the industry. Their profit margins are well above international standards (CMA, 2019: 8); it ‘is by far the largest operator, with a turnover of £324m in 2017, and is the only publicly listed company operating in this sector’ (CMA, 2019: 23).

Dignity plc has acquired almost 350 companies within its corporate group – slightly more when we account for subsidiaries of itself, such as ‘Dignity Services’, ‘Dignity Limited’, ‘Dignity Finance Holdings Limited’, ‘Dignity Finance plc’, ‘Dignity Holdings No.2 Limited’, ‘Dignity Holdings No.3 Limited’, and so on. Aside from a somewhat dizzying corporate structure, most subsidiaries are FDs it has bought out. In these cases, Dignity has almost exclusively retained their ‘pre-acquisition identity’ (Parsons, 1999: 137), including their original trading name (Dignity plc, 2018: 147; see also Parsons, 2018: 160). Crematoria ownership also represents significant capital accumulation. Up to June 2018, there were 293 crematoria in the UK. 183 are operated by local State authorities and 110 by private companies; among these private companies, Dignity is again the largest operator with 46 crematoria and several new builds planned (CMA, 2019: 26). Clearly, extending these operations has added considerable property to its portfolio of real estate, ‘driven by the need to meet shareholder and investor expectations in terms of profit and growth’ (CMA, 2019: 9).

Such capital accumulation is intriguing considering the conditions described earlier regarding austerity. Indeed, this growth may be inextricably related to it. Although redemption of pre-paid funeral plans only accounts for 15% of UK funerals (CMA, 2019: 163), the past decade has seen substantial growth in both this area and ‘simplified’ cremation packages. Pre-paid funeral plans allow people to pay for their funeral in advance, either in a one-off lump sum or across a longer period in instalments, ensuring that once they pass away the funeral costs do not fall on their loved ones. ‘Simplified’ or minimalist cremation packages involve ‘direct cremation’ in which the deceased’s body is cremated immediately following death, without the usual funeral service beforehand. Dignity plc have been the frontrunners in such endeavours as the largest provider of UK funeral plans (as of 2018 they held 486,000 active plans). Their ‘distinctive Dignity and Simplicity brands’, backed by substantial advertising, are said to ‘provide families with greater choice and flexibility, whether they are looking for a traditional value-for-money service or a simple affordable alternative’ (Dignity plc, 2018: 6). With cremations now accounting for 77% of UK funerals (up from 35% in 1960) and £1.6 billion in revenues (CMA, 2019: 7), Dignity has unsurprisingly mined these changing trends for their profitability. Options offering consumer finance plans or ostensibly cheaper funerals have proven popular choices with customers, but also represent an attractive investment opportunity as cheaper alternatives amid national financial struggle.

While the State appears largely ‘absent’ from this picture, these developments have led to its ‘re-emergence’ in some respects. The current investigation into industry practice is one obvious example. In March 2019, the Competition and Markets Authority (CMA) embarked on ‘an in-depth market investigation into the funerals sector’ (CMA, 2019), examining rising costs, lack of sector competition, reluctance of FDs to disclose clear pricing up-front, and the vulnerability of bereaved ‘consumers’. Underscoring this vulnerability, the Royal London National Funeral Cost Index 2018 report found that just 6% of people get quotes from more than one FD (Royal London, 2018: 18). Both Dignity and the Co-Operative, who typically charge higher prices than independent FDs, welcomed the investigation, suggesting it could improve sector standards (Kollewe, 2019b), yet Dignity have increased their prices by 7% annually since 2002 (CMA, 2019: 99-100). The fact that funeral costs have increased at twice the rate of inflation for the past 14 years (CMA, 2019: 6) has meant that even the largest funeral providers responsible for this trend are now forced to admit that drastic review is needed.

The government is currently gathering evidence pertaining to pre-paid funeral plans specifically, concluding that ‘the current framework of self-regulation in the funeral plan sector is not sufficient to ensure the fair treatment of consumers, and a more robust regulatory regime

is needed' (HM Treasury, 2018). It is anticipated, both by the State and by Dignity, that since pre-paid funeral plans are, in effect, a financial service, that they will come under Financial Conduct Authority (FCA) regulation. While this appears to fill a regulatory void within the UK funeral industry (Valentine, Woodthorpe and Easthope, 2013; Walter, 2017), such regulatory interventions seeking to redress the State's absence are largely limited to economic and 'market-based' concerns rather than wider regulatory practice around, for example, worker well-being. Dignity have discussed this in detail with their investors as ongoing commercial strategy to be negotiated. Their stated aims are to maximise profit rather than market share - aims *unlikely to be incompatible with FCA regulation* which, as a function of the neoliberal State, assumes that market competition will deliver equitable provision and affordability. Furthermore, Dignity's concern that a lower-than-predicted death rate for 2019 is hurting profits (Kollewe, 2019a) would suggest that pre-paid funeral plans are an opportune way to continue making hay, whether the sun is shining or not.

Behind these large companies are interesting developments among 'independent' FDs. Kane's Funeral Directors, for example, is an independent but very large family business comprising 12 branches across the North West of England and boasting franchise capacity. As Parsons, (1999: 136) notes, 'the definition of both a family and/or independent funeral organization becomes unclear when the sector is examined closely'. While scrutinizing larger providers it is important not to romanticise the independent family run FD compared with 'faceless companies'. Despite being markedly different in size, they both work without State provision in one of the most pressing contemporary welfare areas, governed chiefly by logics of capital production. However, it is the increasing market share of large corporate entities that dominates the industry's development arc. Dignity plc, for example, is increasing its actual, and potential, market share within this industry partly because of the State's 'absence' and inadequacies in provision and it would be a fair bet to suggest that funeral finance 'products' are set to become ever more popular (if perhaps finally regulated).

## **Conclusion**

We began by posing three broad questions of social policy, with a view to orienting them toward the UK funeral industry – a frequently overlooked sector within critical discussions of State practice and welfare provision. As our subsequent analyses have revealed, answers to these questions hinge both on austerity agendas operationalised through greater devolvement to local authorities and on case-by-case practices within the industry which carry with them



their own professional, legislative, and historical specificities. The examples we offered reveal the complex and varied ways in which State-industry interactions play out, with central government appearing centre-stage at times while hovering tentatively in the wings at others.

To simply blame FDs for increased costs ignores drastic reconfigurations to this market which have continued alongside the pursuit of aggressive austerity measures described above. Larger competitors have provided more expensive, more uniform, and less personalised funeral services, while traditional independent FDs attempt to strike the right balance between performing their services to the bereaved, bottom-line material and labour costs, and comparative profits made by competitors. Within this cutthroat landscape, not helped by an excessively bureaucratic process, ‘customers’ seeking welfare support may represent an obstacle or hindrance to FDs who may choose to turn away those unable to pay immediately. Those that do conduct funerals for bereaved people eligible to claim from the Social Fund may find themselves similarly caught up in complex, time-consuming and unwanted responsibility over the dissemination of payments. Meanwhile, the sector performs vital legislative roles for central government paid for by the taxpayer, such as Coroner work, which is ‘competitively’ tendered locally.

In locating the State within (and outside) these practices, we have highlighted several contemporary trends which should concern us all. Gaps in existing social welfare, combined with inflated prices, have concomitantly created new commercial possibilities for corporate providers (the same providers guilty of driving unreasonably high price increases), such as direct cremation and pre-paid funeral plans. We overlook such drivers at our peril. As welfare provision has receded, a minority of market competitors have filled an ever-expanding void which the State is only now stepping in to partially regulate. Lack of regulation within the industry risks allowing such ostensibly benign developments to become, at best, proxy solutions to inadequate welfare provision and, at worst, normalised exploitative monopolies. While pre-paid funeral plans will fall under FCA regulation from 2020, the deadline of the ongoing market investigation by the CMA has been extended to 2021 due to Covid-19. Regardless of the pandemic, regulatory reform mooted in recent reports is likely to remain constrained by the very shackles of reform itself, making any serious challenge to neoliberal business-as-usual sadly unlikely.

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