

Chapter 16

Resolution requirements

16.2 Funeral Plan Resolution Manual

Application

16.2.1 **R** This section applies to a *firm* that carries out as provider:

- (1) *new funeral plans;*
- (2) *subsisting funeral plans.*

16.2.2 **G** (1) As a result of **FPCOB 16.2.1R**, this chapter applies to a *firm* in relation to any *funeral plan contract* that it is *carrying out as a provider*, regardless of when it entered into that contract or when the *firm* from which it took on the responsibilities under that contract entered into that contract.

- (2) *Firms* should consider whether their *funeral plan resolution manual* should make different provision for *new funeral plans* and *subsisting funeral plans*.

Contents of the funeral plan resolution manual

16.2.3 **R** A *firm* must produce and keep up-to-date a *funeral plan resolution manual* which contains information about the *firm* that, in the event of the *firm's failure*, would assist in resolving the *firm's* business of *carrying out a funeral plan contract as provider*. It must, as a minimum, include a written explanation of each of the following:

- (1) how the *firm* conducts the business of *carrying out a funeral plan contract as provider*, what the day-to-day operation of that business entails, and what resources would be needed to continue that business if the *firm failed*, including a specification of:
 - (a) critical staff and their respective roles;
 - (b) critical premises;
 - (c) the *firm's* IT systems;
 - (d) the *firm's* record-keeping systems, including how records are organised;
 - all relevant bank accounts and payment facilities;
 - (f) all relevant *persons* outside of the *firm*, and their respective roles, including any outsourced service providers;

- (g) all relevant legal documentation, including trust deeds, insurance policies, and *customer*, service and supplier contracts, including any contracts with funeral directors; and
- (h) the *firm's group*, using a structure chart showing:
 - (i) the legal entities in the *group*;
 - (ii) the ownership structure of those entities; and
 - (iii) the jurisdiction of those entities;
- (2) any steps that would need to be implemented under any arrangements in place to ensure that:
 - (i) *funeral plan contracts* entered into by the *firm* will continue to be *carried out* by another *firm*; and
 - (ii) any payments will be paid to *customers* or *covered individuals* where the relevant *funeral plan contracts* will not continue to be *carried out* by the *firm* or another *firm*.
- (3) any terms in contracts that may need to be relied on to ensure the outcomes referred to in (2)(i) and (2)(ii);
- (4) how to access any record of each *funeral plan contract* facilitated by the *firm*, including where this is required under ■ FPCOB 16.1.5R; and
- (5) how the *firm's* systems can produce the detail specified in ■ FPCOB 9 Annex 3 (Plan Statement) for each *funeral plan contract* entered into by it.

Requirement to make the funeral plan resolution manual available

16.2.4

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A *firm* must put in place arrangements to ensure that its *funeral plan resolution manual* would be immediately available to:

- (1) an administrator, receiver, trustee, liquidator or analogous officer appointed in respect of the *firm* or any material part of its property;
- (2) the *FCA*, on request; and
- (3) the *FSCS* and any other *person* to whom the *firm* might want to provide it.