A critical analysis of public policies guiding legal determents and business operations of formal and informal private funeral parlours: The case study of Umbilo funeral parlours

Ntokozo Gumede

211542148

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Supervisor: Dr Balungile P. Zondi

DECLARATION

I, Ntokozo Gumede, declare that *A critical analysis of public policies guiding legal determents and business operations of formal and informal private funeral parlours: The case study of Umbilo funeral parlours,* is my original work and all the sources that I have used or cited have been indicated and acknowledged by means of in-text referencing and inclusion on a complete list of references.

Student Name and Number

Signed…………………………………..

Date…………………………………..

DEDICATION

This work is dedicated to the late Gladys Nokuthula 'Sisi Mtu' Mbhele… Thank you for the contribution you made in my life. You left too soon before you could see me become the strong and intelligent woman you always wanted me to be. You will forever be in my thoughts and heart. I will always love you.

ACKNOWLEDGEMENTS

ABSTRACT

The funeral parlour industry in Durban came under the media spotlight in 2017 and 2018 due to a demarcation war that emerged among Black, White and Indian funeral parlour owners within the eThekwini metropolitan area. This rift exposed policy cracks within the industry as it emerged that there were a number of funeral parlour regulations and policies that were not being adhered to. This inspired the researcher to probe the policy implementation and policy regulation irregularities within the funeral parlour industry, as well as the operational dynamics characterising this industry.

This study focuses on the implementation of policies and regulations that are stipulated by policy custodians of funeral parlours which operate within the Umbilo area. The study adopted a qualitative research approach. Data were collected using in-depth interviews with four funeral parlours characterised as 'formal' and 'informal'. The study draws on the perceptions of the service users in this industry to gain an understanding of the impact of policy implementation irregularities. This empirical research was conducted to elicit factual data on the policies and regulations that govern the funeral parlour industry. The policy implementation theory was used to analyse and interpret policy factors that led to the saga in the period from 2017 to 2018. Using a qualitative research approach, this study presents data that has not been considered when scrutinising the funeral parlour industry and unpacks some of the background operations that may be noticed following the death of a person.

This study contributes to the body of literature on understanding the operations of the funeral parlour industry and how it is governed, particularly within the context of eThekwini Municipality. It also contributes essential information on how the public is affected by the policy structures and policy implementation irregularities within this industry. The study makes recommendations that are essential to ensuring policy implementation strategies that focus on the involvement of all stakeholders responsible for the implementation of policies within the funeral parlour industry under the jurisdiction of eThekwini Municipality.

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Abbreviations

CIPC	: Companies and Intellectual Property Commission
DHA	: Department of Home Affairs
DoH	: Department of Health
FSB	: Financial Service Board
FP	: Funeral Parlour
FRSC	: Financial Reporting Standards Council
FIAS	: Financial Advisory Intermediary Services
FFSA	: Funeral Federation of South Africa
IFDA	: Independent Funeral Directors of South Africa
NFDA	: National Directors Funeral Association
NAFUPA	: National Funeral Practitioners Association
NAFUPA-SA	: National Funeral Practitioners Associations of South Africa
SAFPA	: South African Funeral Practitioners Association
SARS	: South African Reserve Bank
SU	: Service User
UKZN	: University of KwaZulu-Natal

<center>**CHAPTER ONE**</center>

<center>**INTRODUCTION AND BACKGROUND**</center>

1.0 Introduction

This chapter outlines the background of the study. It further delineates the research problem that enthused the researcher to embark on this study in particular. The chapter also outlines the importance of the research study, states the key research objectives that this study aimed to achieve and the key research questions that the study sought to answer. It also provides a brief structure of what to expect in the research study.

1.1 Background of the study

In 2017 and 2018, funeral parlours in eThekwini attracted the media and independent policy analysts because of demarcation clashes that took place between private service providers of different racial groups. This was a very critical matter due to the expectation that the democratic dispensation had buried such racial tension under the banner of a 'Rainbow Nation' and had promoted the creation of equal opportunities for all racial groups. This turmoil caught the attention of politicians, policy analysts as well as public and private media channels. *The Mercury*, *Times Live*, *Isolezwe* and *Eyewitness News* were some of the main media outlets to cover the story with headlines such as "eThekwini funeral parlour race goes on" (The Mercury, 2018: 01). Such headlines and communiqués created a stir for the industry, particularly under the eThekwini Municipality.

The demarcation-linked turmoil gave an indication that the funeral parlour industry has too many policy gaps. It became evident that much remains undiagnosed in this industry. The turmoil precipitated a fertile ground for research that reflects on the public policies guiding legal determents and the business operations of formal and informal private funeral parlours. It is against this background that this study was conducted. Umbilo funeral parlours became the case study as they fall under the eThekwini Municipality, which is where most business actors in the industry in question were seen confronting each other, embroiled in demarcation feuds. The content of such media outlets confirmed that the root cause of these demarcation battles was that some service providers were claiming that service providers of different races

were disregarding their operating demarcation, which they regarded as trespassing. This allegedly unfair practice was somehow disadvantaging the Black service providers by denying them the opportunity to provide services to people of their own race.

Given that this study is conducted within the discipline of public policy, the observed conflict became a policy dilemma. It also created a scenario where most service providers argued that there is no policy that regulates the provision of funeral parlour services according to racial demarcations. Therefore, this study sets out an objective to analyse the regulations and public policies that govern the legal determents and business operations of formal and informal funeral parlours.

Furthermore, this policy dilemma created a tense atmosphere characterised by incessant threats and uncertainty in the funeral parlour industry, with severe consequences, perceived and real, for both service users and owners alike. Amongst these consequences, verbal threats emanating from demarcation battles instilled fear in such service users i.e. families who had to bury their loved ones during this period. The fear and uncertainty revolved around the question on whether White- or Indian-owned funeral parlours would be able to access their locations and deliver the corpses on time for burial-related procedures without being stopped by the Black service providers, who had marked their territory in Black-dominated communities. This fear was also instilled among White- and Indian-owned funeral parlours that stood a chance of losing business in Black-dominated communities, as they would have been forced to stop all business operations in these communities.

The National Funeral Practitioners Association of South Africa (NAFUPA-SA) was quoted as saying that it will not block Indian- and White-owned funeral parlours and undertakers from working in township areas because there are no laws or policies restricting municipal demarcations, which are part of providing services to different racial groups (Times Live, 2018). For years, the funeral parlour industry has sought to forge unity amongst service providers of different races. The fact that Indian and White service providers have been operating in communities of almost all racial groups without any demarcation challenges is evidence of this. A new predicament emerged where Black service owners felt that they were being subjected to unfair business practices (unfair competition) by service providers belonging to such racial groups as Indian and White.

Such demarcation and racial hatchets took place just after van den Berg et al. (2016: 15) had concluded their research report indicating that some funeral parlours in South Africa are

operating informally and that the funeral parlour industry remains a fragmented industry. Van den Berg et al. (2016: 15) also highlighted that service providers are no longer interested in providing professional services and did not even strive to maximise consumer needs. Instead, funeral parlours have become unregulated profit makers that fight over demarcations or skew policy pronouncements which regulate the pricing of services. This provided this study with the impetus to collect the narratives of consumers affected by the lack of adherence to regulations and policies by private funeral parlours.

1.2 Research problem

Bwisa (2008: 02) asserts that the problem statement is the focal point of any research. He further defines a problem statement as an explanation of an event, issue or a problem that is present currently and needs to be systematically/ scientifically studied through research. The problem sets the context for the research study and further contributes in the formulation of questions that the study aims to achieve. The problem that gave impetus to this study is multi-layered. Firstly, recent fights over operating demarcations amongst funeral parlour owners created a policy dilemma that needed to be examined to pinpoint bottlenecks in the policy implementation or the regulation of funeral parlours where the study was conducted. The subsequent rationale is that such muddled competition between service providers affected consumers who pay for funeral services and are treated unfairly by these funeral parlours as their burial plans are delayed or disrupted. The other problem is that the South African government, particularly the lowest level of governance in the study region, eThekwini Municipality, is seen to have failed in its mandate to monitor and evaluate the operations of formal and informal funeral parlours.

The relevance of this study was substantiated by statistics from the Funeral Federation South Africa in that, "At least two in three funeral parlours are believed to be operating illegally in an industry with an estimated value of between R3-billion and R5-billion" (Collins et al., 2017: 01). Furthermore, the *Times Live* newspaper (Collins, 2017: 01) reported that the funeral industry has come under scrutiny after 42 corpses were left stranded on the M1 highway in Johannesburg in 2017 after the trailer transporting them lost a wheel. The bodies of 16 adults and 26 stillborn babies were bound for Olifantsvlei Cemetery, south of Johannesburg. The bodies of the adults were to be given paupers' burials (Collins, 2017: 01). This incident raised

concerns regarding the regulatory policies that govern the transportation and storage of deceased bodies. The Funeral Industry Regulatory Authority chairman Johan Rousseau argued that an ombudsman was necessary to protect the public, noting that, "We need a single law and agency to be established to regulate the funeral service sector" Collins (2017: 01).

One may think that service delivery is restricted to the provision of aspects such as water, sanitation and infrastructure, not considering that at some point people will die and funeral services will need to be rendered, thus classifying funeral services as part of service delivery. Such a service is required to be rendered with utmost dignity and as a service that is financially paid for, as those using this service need to know that they will receive quality service equivalent to their monetary investment. It is due to such forgoing discussions that this study is carried out to identify and analyse existing policies that govern the legal determents and business operations of private funeral parlours, as discussed in the introduction of this chapter.

1.3 Significance of the study to Public Policy

Public policy affirms its existence as a problem-solving discipline which is embedded in social science methods, theoretical lenses and substantive findings to solve practical problems, as argued by Dunn (2012: 02). Research inquiries within public policy position themselves in diagnosing bottlenecks within the public policy cycle, which includes agenda setting, policy formulation, policy adoption, policy implementation as well as monitoring and evaluation (M&E). Research endeavours carried out by policy analysts as well as students seek to diagnose the indigenous and exogenous factors that distort the realisation of policy outcomes. Often, the argument in such research is that policies are usually enacted to provide ways of rendering services so that service users are not disadvantaged in the process of receiving a service.

To fully understand the impact of the problem being addressed by this study, understanding the key concepts is a necessity. Ajulor (2018: 05) asserts that the execution, also known as the implementation of public policies is the process of changing existing policy objectives into a reality. During the early stages of policy, it is essential to know who the policy implementers are, to outline key custodians/agents and list other resources that will contribute to the successful realisation of policy objectives (Ajulor, 2018: 05). The problem as identified in this study can be understood under a common background of poor implementation of policy by the governments of most African countries. Moreover, Ajulor (2016: 12) claims that Africa is faced

with a challenge of poor implementation of public policies. He says that the poor implementation of policies in Africa is often linked to improper planning, deliberate political instability and bureaucratic bottlenecks, and complete alteration to the plan if it is not favourable to the implementers or civil servants who are burdened with the duty to roll out policy objectives (Ajulor, 2016: 12). Other components of poor policy implementation have been the inability to involve the policy beneficiaries in the policy process and the absence of training that is scheduled to benefit those who will be implementing the policy in their respective organisations (Dailoke, Ukah and Maduangwuna, 2017: 15). Various policy custodians have crafted policies that guide the funeral parlour industry; however, the problem lies with the process of monitoring and the evaluation of the implementation of these policies which has proved to be filled with challenges. For this study, the critical aspects that have contributed to the poor implementation of the policies in the funeral parlour industry have been discussed meticulously in the research findings chapter.

Poor monitoring of policies by policy custodians plays a crucial role in the poorly regulated operational standards of funeral parlours. Policy monitoring involves a range of crucial aspects such as describing the context of the problem that called for the endorsement of the policy, the analysis of policy implementing sectors or agents, and the establishment of M&E routines. Berh (2015: 05) asserts that the analysis of M&E reports involves going back to recapping on the policy rationale and objectives and to then detect challenges that emerge during the implementation thereof. The conclusion of M&E reports should identify potential gaps, outline areas for improvement and hold policy implementers accountable for their actions and activities. For Sapru (2010: 267), policy monitoring can also be understood as the process of observing the policy implementation progress and resource utilisation, and anticipating deviations from expected policy outcomes. Within the scope of this research, policy monitoring lies with the policy custodians, such as eThekwini Municipality and other relevant government departments. However, as has been alluded to, these policy custodians fail to play their vital role of monitoring the policies and regulations that guide the operations of the funeral parlour industry. Hence, the development of the terms, formal and informal funeral parlours, referring to those that abide by policy and regulation vis-à-vis those that do not abide by the policies and regulations.

Ikechukwu and Chukwuemeka (2013) attempted to analyse some of the factors that contribute to the failure of full realisation of policy outcomes. One of the main aspects that have contributed to the failure of policy implementation is the operation, under-effective leadership

as well as the lack of understanding of M&E in most public and private sectors (Ikechukwu and Chukwuemeka, 2013: 63). Corrupt leadership and undue political influence affect the policy formulation process. For example, political leaders will formulate policies, and then govern and skew the implementation activities of the policy, which is mostly motivated by selfish personal and political interests (Ikechukwu and Chukwuemeka, 2013: 63). This promotes the notion of public policies being developed to benefit those in power rather than regulating the operational structures, therefore full policy implementation is not emphasised once the political goal has been achieved.

Another factor that affects the implementation of policy implementation is that some implementing networks or institutions are burdened with the responsibility of implementing given policies, but they lack the requisite human and financial resources to implement those policies (Ikechukwu and Chukwuemeka, 2013: 63). Government fails to adequately budget for the implementation of policies, thus producing incomplete policy proposals and implementation plans that fail due to the lack of human resources and funds. This overlaps into the concept of the overambitious nature of some public policies. Some policies tend to be overly fundamental in nature and overambitious (Makinde, 2005: 63). Other policies have unrealistic goals and fail to inspect the current nature of business structures or markets within which they are to be implemented. In most cases, these policies are created to bring sincere change in society, such as improvements to the education system, but sometimes their goals are over-exaggerated and used to boost political leaders and political parties.

Alisjahbana (2012: 03) argues that contractual agreements between the government and private sector have exposed a methodical failure of public policies; therefore, to mitigate against such misuse, the benefits of concessions require robust controlling competency with regard to evaluating, tendering and managing the contracts. Once one party fails to adhere to their end of the contract, policies are not acknowledged as they should be. Policies are developed without the involvement of the private sector, which is meant to be part of the implementation phase, and which then have limited knowledge on the implementation plans and policy goals.

This study shares similar sentiments with the above notion, as it has identified a problem with the policy systems of the funeral parlour industry and several gaps in identifying solutions to these policy problems. This study is significant because it identifies the problem of this industry as being located within the contours of implementation systems of the public policies structured to regulate the industry. Paudel (2009: 49) established that "effective policy implementation

improves poverty situations in Third World countries, which need both economic development and political stability". He is optimistic about the possibility of closing the gap between the rich and poor countries, provided strong and stable regimes utilise available economic resources to foster economic growth and development. It is therefore logical to argue that studying the funeral parlour industry regarding its public policy implementation context presents the opportunity for the industry to analyse the problems associated with the implementation of its public policy, and to produce practical resolutions through the use of theoretical frameworks and abstract research methods in order to facilitate the economic growth of this industry.

1.4 Scope of the dissertation

This dissertation falls within the scope of public policy implementation. Mthethwa (2014: 114) asserts that public policy implementation inserts the objectives of policy adopters into action in an effort to accomplish favourable results, hence being a critical state in the public policy process. Mthethwa (2014: 47) provides a detailed elaboration of Wissink's stage model of the policy cycle as it is relevant to the South African context.

Wissink's stage model includes all these related aspects as part of the policy process:

- Initiation: suggest the process of acknowledgement of the public policy problem.
- Agenda setting: placing the issue on the public policy-making agenda.
- Processing the issue: conducted through identifying the issue and major actors involved.
- Considering the options: the process of establishing other forms of action and intervention.
- Making the choice: identifying alternatives from those selected options.
- Publication: distribution of information through different media platforms concerning the decision taken.
- Allocation of resources: allocation of a budget and tools required for the implementation of the public policy.
- Implementation: adoption of and putting into action the actual programmes.

- Adjudication: utilising legal procedures to enforce the implementation of public policies.
- Evaluation: deliberating the results and establishing the value of the public policy being implemented.
- Feedback: compiling and distributing reports to relevant stakeholders on public policy impact.

(Mthethwa, 2014: 47).

Imurana, Haruna and Kofi (2014: 199) maintain that a fruitful policy implementation is rooted in four main components: (i) clearly outlined activities and policy objectives that explain the policy intent; (ii) a management plan that allocates tasks and performance and monitoring standards to sub-units; (iii) an objective aimed at measuring sub-unit performance; (iv) and a system of management controls and social sanctions that is responsible for holding subordinates accountable for their performance. They further identify adequate participation of the target society as an additional component in the successful execution of policy implementation.

Policy implementation on its own does not fully explore the scope of this study, hence a further illustration has been made to policy monitoring as a factor that falls within the scope of this study. The Health Policy Project (2014: 01) asserts that policy monitoring is a process by which stakeholders follow and assess policies to ensure that they are developed and endorsed as per policy monitoring standards. Policy monitoring involves appraising the policy environment; evaluating the level and quality of stakeholder engagement; noting and reporting the progress of policy development and the legislative endorsement of policy; putting policies into practise through financing and implementation planning; and evaluating the outcomes of policy implementation (Health Policy Project, 2014: 01). Policy implementation and policy monitoring are some of the key components in the public policy cycle. This presents the importance of having active and involved policy actors, stakeholders and policy custodians in the policy implementation and policy monitoring stages of the policy cycle.

Policy actors are formal and informal individuals or groups who seek to influence the creation and implementation of public solutions (Cahn, 2012: 199). For this study, some of these policy actors are referred to as policy custodians, hence it is important to identify the policy custodians that have been recognised as policy administrative agencies in the funeral parlour industry. The main policy custodians are the Financial Services Board (FSB), the Department of Health (DoH), the Department of Home Affairs (DHA) and eThekwini Municipality.

Part of the policy cycle illustrated above alludes to the importance of evaluation for successful policy implementation and the completion of the policy cycle. However, this study makes great emphasis on the importance of policy monitoring. CAFOD, Christian Aid and Trocaire (2005: 07) distinguish between policy monitoring as an ongoing activity that takes place during policy implementation, with the main aim to track and adjust the process as it is unfolding. Evaluation, on the other hand, is conducted at the end of the implementation process, with the aim to help policy developers assess whether a policy should continue or not (CAFOD, Christian Aid and Trocaire, 2005: 07).

The process of policy monitoring requires that stakeholders understand how policies move through the process from the stage of policy development to implementation and the potential barriers to progress, as well as an awareness and understanding of the policy environment (Health Policy Project, 2014: 02). As much as the policies need to be monitored by policy custodians, the stakeholders also need to acknowledge their role in the monitoring phase of policies. It is also important to indicate that there is no single model for policy monitoring, as this process differs vastly depending on the focus area and the policy issues concerned. However, all policy monitoring processes should give special attention to what happens once a policy has been adopted, to see how it is implemented and what it achieves (CAFOD, Christian Aid and Trocaire, 2005: 07).

The concept of policy monitoring should be held in high regard, because most policy custodians and stakeholders fail to acknowledge the importance of this phase. Some organisations monitor policies on a continuous basis as part of their core functions, whilst others monitor policies at national, sub-national or local spheres of government (CAFOD, Christian Aid and Trocaire, 2005: 07). The funeral parlour industry should adopt a method best suited for the policy custodians, business owners as well as consumers to monitor their policies. However, considering that this industry deals with sensitive elements including human remains, monitoring of policies is likely to be on a continuous basis to prevent any misconduct in the process of handling and preparing human remains.

1.5 Types of public policies

1.5.1 Distributive policy

An elaborate comprehension of public policy requires a detailed analysis of the different types of public policies that exist. Tebele (2016: 26) asserts that the leading agenda of distributive policies is that of problem solving. Distributive policies can also be defined as policies that address the distribution of resources, costs and benefits from government to a certain group of the population. In the South African context, this can be understood through the provision of social service resources to the poor masses. Policies guiding this process can be classified as distributive policies.

Kraft and Furlong (2013: 107) assert that the main disadvantage of distributive policies occurs when one group stands to gain at the expense of beneficiaries. Such is evident in the South African distribution of social grants. For social grants to be distributed, money needs to be collected from taxpayers to make provision for these grants. Hence, the loss of money by taxpayers through paying tax is a gain for the poor masses who depend on social grants for a living. In the context of the funeral parlour industry, these policies could cause conflicts since the funeral business sector is a profit-generating sector which seldom seeks to achieve a distribution of the profits acquired. The policy's goal of distributing financial resources, costs and benefits would not be achieved, taking into consideration that each funeral parlour operates as a sole entity without the intention to share their profits.

1.5.2 Redistributive policies

According to De Coning and Wissink (2011: 15), redistributive policies can be understood as those that address such needs as education, social welfare and health systems. Similar to distributive policies, redistributive policies aim to transfer or rearrange resources, costs and benefits from one group to another (Knill and Tosun, 2012: 16-17). The reallocation of resources occurs between the privileged and under-privileged members of society. Tebele (2016: 28) argues that owing to the direct taxation and transfer of resources from one societal group to another, one distinct characteristic arises which distinguishes the distributive and redistributive policies from one another, namely conflict. Kraft and Furlong (2013: 107) state that the reason for this conflict is that the redistributive policies are policies that are intensely political, difficult, unfavourable and controversial to adopt and implement.

In the South African context, this is evident in land redistribution policies. Land that was forcefully taken from African descendants during apartheid currently needs to be allocated to

its rightful owners. Redistributive policies have been developed in this regard for this matter; however, there have been several obstacles in implementing these policies due to the conflict it has caused amongst the policy developers, the group that the policies aim to redistribute from and the group that the policy aims to benefit. Kraft and Furlong (2013: 108) argue that the problem that arises with redistributive policies is that one category of individuals benefits at the cost of the other.

Tebele (2016: 28) further asserts that the drawback of this type of redistributive policy is that government often does not have the capital to roll out or implement such a policy. Hence, the redistribution of land can only remain a policy for the government because the landowners dispute redistribution, which hinders the implementation of the policy. Similar to these distributive policies, the funeral parlour industry operates as profit-generating entities without compelling regulation that stipulates the redistribution of wealth generated through their businesses. Some may choose to donate to organisations of their choice or to individuals in communities voluntarily. Therefore, redistributive policies would not be efficient in regulating the funeral parlour industry.

1.5.3 Constituent policies

Tebele (2016: 26) identifies constituent policies as those policies that have been designed to benefit both the nation state and the public as a whole. Constituent policies are often described as meta-policy and rule-making, with patterns of particular importance as those who know the rules often succeed and may become exceedingly powerful; subsequently, those who do not know the rules may be controlled by those who do (Chalekain, 2014: 07). Tebele (2016: 306) further asserts that constituent policies aim to operate in a democratic society as they state the *modus operandi* such as election laws, as well as aim to formulate and amend state institutions. These types of policies encourage the participation of those directly affected by the policies through their democratic nature.

Tebele (2016: 306) states that "one of the advantages of constituent policies is that they function in a milieu that encourages clientele support, professional understanding, management as well as consistency, which is described as a lacking factor from the other types of policies". The constituent policies may present a unified and democratic nature, with the intention of benefiting those affected by the policy. However, this type of policy would be feasible in a

joint organisation, whereas funeral parlours operate as silo organisations. The policy's aim to operate in a democratic society and amend state institution would not materialise since funeral parlours do not work as joint organisations with formal sittings to vote on and pass laws.

1.5.4 Regulatory policies

The concept of regulatory policy stems from the basic understanding of regulation. According to Aktan (2016: 305), regulation can be understood as a law, rule or order prescribed by a power to control conduct or activity by any kind of organisation. It is often connected with government, which confirms that government regulation or public regulation alludes to the implementation of guidelines by government agencies that is backed up by law (Aktan, 2016: 305). Regulatory policies as informed by the OECD (2011: 07) address the permanent need to ensure that regulatory frameworks are justified and achieve policy objectives. They assist policy makers to make informed decisions based on what to regulate, who to regulate and how to regulate it; and as an integral part of effective public governance, they help to shape the relationship between the state, citizens, businesses and civil society (OECD, 2011: 07).

Regulatory policies are classified into two categories: economic regulation and social regulation. Economic regulations refer to rules on market structures and they aim to realise purposeful competition in the markets, entry-exit to the market regulations, the provision of licences to enter the market and to determine the behaviour of economic agents on the market, such as price control and rules for advertisement (Aktan, 2016: 306). Social regulation consists of rules aiming to correct external economies, as in mainly those that interrupt health and safety, which is common in the areas of environment, labour circumstances and consumer protection (Aktan, 2016: 306).

This research study is reliant on regulatory policies as it places emphasis on the regulation of the funeral parlour industry. It inspects what has been contributed by the government on the development of regulatory policies that govern the industry, as well as focusing on the rules and laws prescribed by other regulatory authorities such as the FSB to be implemented. Regulations imposed on the funeral parlour industry are categorised under economic regulations as they promote the regulation of the funeral parlour market structures. For instance, the entry-exit requirement, which entails that funeral parlours should be in possession

of a certificate of competence issued by the DoH before handling or conducting any business that involves the handling of human remains.

However, Kraft and Furlong (2013: 108) argue that regulatory policies are debatable as they consent the government to "interfere/meddle" in the private sector and individual lives. This is often problematic in the private sector as the government usually imposes these policies without due involvement, therefore creating hindering factors to the implementation of these regulations.

Figure 1: Types of policies

	Individual Conduct	Environment of Conduct		
Remote	**Distributive policy** (e.g., 19th century land policies, tariffs, subsidies)	**Constituent policy** (e.g., reapportionment, setting up a new agency, propaganda)	party (electoral organization) logrolling -vs- group (interest organization) bargaining	(3)
Immediate	**Regulative policy** (e.g., elimination of substandard goods, unfair competition, fraudulent advertising)	**Redistributive policy** (e.g., Federal Reserve controls of credit, progressive income tax, social security)		(4)

Likelihood of Coercion:

decentralized disaggregated local -vs- interest identity (person) (1)

centralized "systems" level cosmopolitan ideology status (type of person) (2)

Source: Kellow (2015: 05)

1.6 Research objectives and questions

A research objective is a clear, concise, declarative statement which provides direction to investigate the variables of interest and summarises what is to be achieved by the study (Jaikumar, 2018: 05). In simple terms, research objectives are the goals that the researcher sets to achieve in their study and they assist in guiding the research study sample, design and data analysis. In this study, the research problem is the lack of adherence to public policies guiding

the funeral parlour industry; hence, the following research objectives and questions that guide the study.

1. To analyse the regulations and public policies that govern the legal determents and business operations of formal and informal funeral parlours.

2. To analyse how public policies of formal and informal funeral parlours are being implemented by selected service providers.

3. To collect the narratives of consumers affected by the lack of adherence to regulations and policies by private funeral parlours when dealing with their clients.

This research study aims to answer the following questions:

1. What are the regulations and public policies that govern the legal determents and business operations of private funeral parlours?

2. How are public policies of formal and informal funeral parlours being implemented by the mentioned service providers?

3. What are the narratives of those who have been affected by the lack of adherence to regulations and policies by private funeral parlours towards their clients?

Research site:

The study was conducted in Umbilo Road, where most funeral parlours operating in the eThekwini City vicinity are located. The Umbilo business community houses over 40 formal and informal funeral parlours and has the highest number of funeral parlours situated in one location in the whole of eThekwini. The street has accessible public transport and most consumers are able to access the offices of the funeral parlours through public and private transport. It is also close to the Berea shopping centre and the eThekwini Markets where most of their target market frequently travel.

Figure 2: Location of Umbilo in eThekwini (Durban), KwaZulu-Natal Province
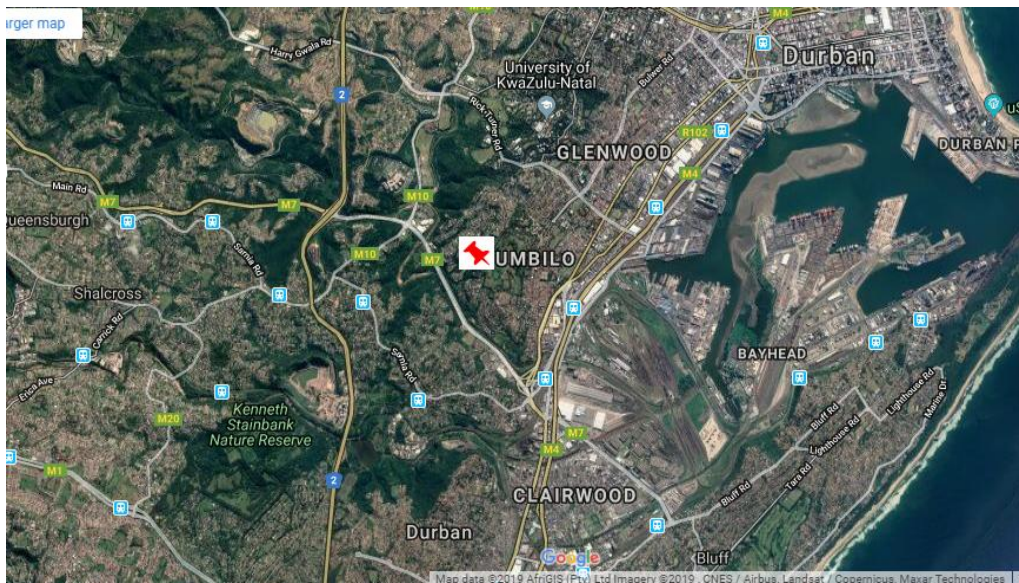
Source: Google Maps (2019)

The above geographical image is presented to indicate where the problem that triggered the research took place.

1.7 Structure of the dissertation

Chapter One consisted of the introduction to the study, the problem statement, the research objectives and research questions. Chapter Two of this dissertation covers the literature review that has influenced the undertaking of this research. Chapter Three discusses the desktop/document analysis that was used in the research study. Chapter Four explores the theoretical framework that informed the study. Chapter Five presents the methodology. Chapter Six entails the data presentation and analysis. Chapter Seven provides the recommendations gained from the results of this qualitative study and also contains the summary and conclusion.

1.8 Summary

This chapter essentially particularised the background of the research study as being the racial demarcation disputes among funeral parlours in Umbilo, which were brought to life during the years 2017 and 2018. It further delineated the research problem, namely the lack of adherence to regulatory measures imposed on the industry, which subsequently causes distress to the consumers of this vast industry. Hence, this research study attempts to analyse these regulatory

policies and strategies for better implementation of policies. It has presented the research questions and the research objectives that guided the undertaking of this study, as well as the significance of the study within the academic structure and the funeral industry itself. Through the contents of this chapter, it is possible to deduce the structure of the research and grasp the details regarding what each chapter entails.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter presents a review of relevant literature that has been published on funeral parlours. Critical themes are used to delineate discussions that other researchers have reported as fundamental issues in their studies. The content of this chapter reflects on studies relating to the funeral parlour industry from an international, national and local perspective. This review of literature delineates themes which discuss the scope of international operations of formal and informal funeral parlours, and policies that regulate the operations of formal and informal parlours. It reflects on the relationship between funeral parlours and funeral insurance as well as the perceptions of clients in the funeral parlour industry.

The literature review is an overarching critical aspect of any research. Researchers get to understand the problem statement and study rationale, and decide on theoretical frameworks that are most relevant to the study based on relevant literature. The literature review is a systematic search of credible sources that the researcher can go through in order to understand existing debates that are pertinent to the subject at hand. In that vein, those that remain or appear as a gap require critical investigation. Reviewed literature serve as the backbone of any research study as it informs the researcher of what academics have presented within the research field. As such, the researcher gets to understand how early researchers sampled their population and who was considered as a key informant or informants in the previous studies and then justify the rationale of the study within that gap. The review of literature will be based on the following broad themes:

- Funeral parlour industry regulations and public policies
- Implementation of regulations and policies
- Effects of the uncertainties of policy implementation on the services users

The existing literature contribute that successful policy implementation is attributed to various factors, however, bottlenecks to policy implementation have been noticeably present and some of these factors have been the main barriers to successful policy implementation. Ajulor (2018: 1500) asserts that complications in the implementation of public policies in Africa can be

linked to unfitting planning, political unpredictability, bureaucratic bottlenecks, complete alteration of the plan if it is not favourable to the implementers and the responsibility to implement it. Ggoobi (2016: 01) also argues that failure to implement policy in Uganda is attributed to the neglect of rural areas, comprehensive policy design, and planning without proper management. Such factors take away the focus from the main goal of the establishment of policies, as political influence including that of the implementers create obstacles, preventing the primary goal of the policy from being achieved.

Ahmed and Dantanta (2016: 62) assert that some of the bottlenecks to policy implementation also include the questionable characteristics of implementing agencies and the resources required to carry out the policy implementation process. It is further noted that the amount of interest, pledges and support evidenced by the principal actors has a major influence on the prospect of the successful implementation of a policy (Ahmed and Dantanta, 2016: 62). However, the catastrophe of policy implementation cannot be credited to a single element, as this varies from one public policy to another and may also vary depending on the environment within which the policy must be implemented.

Ajulor (2018: 1511) conducted a study in six geopolitical zones in Nigeria with the aim to find the challenges facing policy implementation in Africa with reference to sustainable development goals. The study sample comprised women, the youth, NGOs and the business community. The findings revealed that rural areas in Nigeria have not been redesigned for easy implementation of the development goals, and further asserted that unrealistic goal planning, and corruption and security challenges have played a crucial role in the failure to achieve sustainable development goals. The study also found that the target beneficiaries i.e. the women, youth, farmers and rural people were not participating in the sustainable development goals programme (Ajulor, 2018: 1511). However, Dailoke et al. (2017: 26) recognise the fact that there is a need to involve the target beneficiary at every stage of the policy implementation process to certify transparency and accountability. They argued that policies and programmes carried out with the consent and involvement of the target group will not be easily sabotaged.

What follows is a discussion of the funeral parlour industry regulations and public policies.

2.1 Legislative framework regulating funeral parlours

This section presents an analysis of public policies that are stipulated by different bodies that guide the funeral parlour industry, which have been documented and presented to the public and the industry in question. It presents the regulations stipulated by the eThekwini Municipality in terms mortuary policies, burial or cremation policies, as well as cemetery policies. It further focuses on regulations gazetted by the Financial Services Board (FSB) in its efforts to regulate the financial aspects of the funeral parlour industry. It also presents the policies that are stipulated by the Department of Health (DoH), Department of Home Affairs (DHA) and Department of Labour in relation to the funeral parlour industry, considering that these are the government departments that have common work relations with funeral parlours. It further presents some of the regulations and policies that funeral parlour directors have attempted to create through the funeral parlour associations. An analysis is made in relation with the study's research questions and objectives to determine whether these policies guiding the funeral parlour business are being implemented.

2.1.1 Burial, cremation and embalming

According to the Birth and Death Registration Act 1992 (Act No. 51 of 1992), burial can be understood to mean burial in earth or any other environmentally friendly method of disposing human remains. Even though the meaning is shared across nations, the rituals undertaken during the preparation of a burial are different in different societies, communities and cultures. For the purpose of this study, the focus is on burials conducted in the eThekwini Municipality burial sites and communities within eThekwini Municipality. This Act further clarifies that a burial place is any public or private place that can be used for a burial (Cemeteries and Crematoria By-laws, 2015: 07).

The eThekwini Municipality's cemeteries and crematorium department include the provision that any persons conveying human remains to any cemetery must convey such in an orderly and proper manner, in a proper coffin with sufficient covering material. A burial is not permitted without the presence of a burial order issued in terms of the regulations provided for in the Birth and Death Registrations Act of 1992. According to this Act, a burial order is a document which grants permission to persons in charge of the burial of human remains to carry out a burial. It stipulates that "(1) No burial shall take place unless notice of the death or still-

death has been given to a person contemplated in section 4 and he has issued a prescribed burial order; (2) The burial order mentioned in sub section (1) shall be delivered by the person who has charge of the burial to the person to a person who has control of the burial place concerned" (Birth and Deaths Registrations Act, 1992: 13).

The burial order is an original document that authorises the burial of human remains in the eThekwini district. This Act further indicates that any persons in custody of a burial place are required to keep a burial register in which he/she shall register the burial order concerning every burial that happens in the burial place. The process of death registrations with the use of a burial order is currently being done at the DHA, and only after the death registration has been completed in terms of this Act can the burial order be handed to the family of the deceased and the Director General will issue a prescribed death certificate.

2.1.2 Cemeteries

Funeral parlours located in the Umbilo area have the partial obligation to locate cemeteries and burial places that provide services according to their company policies. Some leave this duty to the family members to locate their preferred cemeteries where they can bury their deceased. According to the Cemeteries and Cremation By-laws, a cemetery is identified as any place where human remains are buried in an orderly, systematic and pre-planned manner in identifiable burial plots and which is intended to be permanently set aside for and used only for the purposes of burial of human remains (Cemeteries and Cremation By-laws, 2015: 07). The most common cemeteries used in eThekwini are: Stellawood Cemetery, Jacob Cemetery, Red Hill Cemetery, The Brook Street Cemetery, Chesterville Cemetery, Clairwood Hindu Cemetery, eThekwini Municipality Leisure and Cemeteries, Bluff Cemetery, Umngeni Cemetery, Wentworth Cemetery, Ashley Cemetery, Mobeni Heights Cemetery and West Street Cemetery.

eThekwini has regulations in respect of booking for a burial in cemeteries that are under the jurisdiction of eThekwini Municipality. Section 16 of the Cemetery and Cremation By-laws (2015: 17) stipulates that in order for a person to make a burial booking, they must do so either in person or through an authorised representative at the nearest municipal office designated by the authorised official to do this. It further illustrates that a booking must be made at least six hours prior to the time of burial and, if the booking is made on the same day as the burial which

is supposed to take place, such booking must be made no later than 10 am on that date. All burials must take place between 9 am and 3 pm daily, unless an authorised official grants permission that the burial may be made outside of these hours on good cause shown. An authorised official may at his/her own discretion charge a late burial fee for burials scheduled to take place beyond the normal operating hours and for bookings made after 10 am on the day on which a burial is supposed to take place (Cemetery and Cremation By-laws, 2015: 17).

The greatest challenge currently faced by the eThekwini Municipality and the funeral parlours when it comes to cemeteries and burial is the high demand for burial spaces vis-à-vis a constant decrease of burial spaces in the municipal cemeteries. Former eThekwini Mayor, Zandile Gumede indicated that the shortage of burial space in eThekwini was a serious challenge which the municipality had been dealing with for years. The demand for burial spaces is exacerbated by several factors. For examples, "Migration to the city from rural areas and outside the country is increasing. This has led to over-crowding in urban areas," said Gumede, who added that "the overcrowding then translates to more people being buried within the municipality" (Baillache, 2018: 01).

The shortage of burial spaces has affected the process of booking of cemeteries. Funeral parlours and families have attempted to book cemeteries situated closer to them, only to be turned back because cemeteries are full and the municipality can no longer allocate spaces for burials. In an attempt to mitigate the problem, the municipality further crafted more regulations on cemeteries and burial spaces. The municipality may, for a period of 10 years, grant any person the exclusive right of such person's next of kin to remain interred in a single grave site. Where such right is granted for a period of 10 years, the lessee or his or her heirs or successors in title are entitled to renew the same in terms of subsection (7) hereof for a further period of 10 years (Cemetery and Cremation By-laws, 2015: 21). In terms of subsection (7), any lessee desiring to renew any certificate issued in terms of this by-law may do so upon expiry of the initial 10-year period. The by-law further states that the municipality may at any time after the expiry of the 10 years issue a notice to repossess the right to use a private gravesite. In 2017, *The Mercury* (2018: 01) newspaper reported that municipal spokesperson, Tozi Mthethwa indicated that as a result of the ever-increasing demand for burial space, the city has been promoting alternative methods for the disposal of the mortal remains of loved ones, which mainly included cremation (Ngubani, 2017: 01).

2.1.3 Cremation

As an alternative to burial of human remains, the eThekwini Municipality has advised the public to use cremation as a way of disposing human remains. Cremation can be understood as the means to reduce any human remain to ashes (Cemeteries and Crematoria By-laws, 2015: 07). eThekwini Municipality is the regulatory body that regulates the cremation process, which is conducted through the service of funeral parlours. Most of the funeral parlours in eThekwini provide the service of cremating human remains, but this is done at crematoriums at a cost to the funeral parlour. A crematorium can be understood to be a building or structure in respect of which authority has been granted for human remains to be cremated therein or thereon (Cemetery and Crematoria By-laws, 2015: 07). Clare Estate, Umngeni Hindu Crematorium Society, Stellawood Crematorium and Mobeni Heights are among the most commonly-used crematoriums by funeral parlours in the Umbilo area. Even though funeral parlours include cremation as part of the services they provide, they still outsource this service to these crematoriums because they lack the facilities which are needed to cremate human remains.

According to the eThekwini Municipality, there are regulations that span from booking a cremation to the handling of cremated ashes after the cremation. Every ceremony or funeral with a cremation is subject to the control of the authorised official while within the cemetery, which could include any of the cremation centres mentioned above. By-laws relating to cremation stipulate the coffin specifications for cremation, including that a person presenting a body for cremation must do so in a coffin as required by the municipal by-laws and in such a way that it is not offensive. The coffin specifications are that it must not exceed 2,2m in length, 0,85m in width and 0,5m in depth. It must be made of some readily combustible wood, such as deal, white pine or three-plywood, without the use of any metal nails. Further, it must be polished with the usual furniture finish, but the handles and nameplate must be made of combustible material (Cemetery and Cremation By-laws, 2015: 32). These specifications must be followed by all funeral parlours in the event of a cremation service.

2.1.4 Financial Services Board

The Financial Services Board (FSB) has issued newspaper reports warning consumers of various fraudulent activities by unauthorised financial service providers and this has also included funeral parlours. For example, "FSB warns against dodgy funeral scheme" (Sowetan

Live, 2017) and "FSB investigates 13 funeral schemes" (Independent Media 2017) are some of the headlines that have surfaced with the aim to warn consumers of fraudulent funeral parlours that operate in South Africa. The FSB has outlined a set of regulations for the funeral parlour industry stipulated under the Financial Services Board Republic of South Africa Long-Term Insurance Act (Act 52 of 1998). The Act provides the platform from which to warn consumers of the different funeral parlours that do not comply with these regulations.

The Long-Term Insurance Act (Act 52 of 1998) above aims to regulate the conduct of the insurance business in respect of assistance and life policies through co-administration assistance, which closely relates to funeral parlours that offer funeral policies to their clients. There are many funeral parlours in Umbilo that provide long-term insurance for their clients in the form of a prepaid system of paying for a funeral in monthly instalments over a period of time, hence the funeral parlour industry cannot be regarded as a financial service provider if licensed. For example, "The study uncovered evidence of at least one funeral parlour that went under, causing a number of clients to lose their savings for prepaid funerals as well as insurance premiums paid. Their risk is increased by the tendency not to separate the funeral services component of the business from the financial services component of the business" (Bester et al., 2005: 71).

The Long-Term Insurance Act (Act 52 of 1998) entails that for the registration of long-term insurers dealing with long-term insurance, they need to abide by the regulation that no person may carry any long-term insurance business without registering with an authorised underwriter. The Act provides that if a funeral parlour or funeral insurance administrator provides policies to clients of the funeral parlour, and collects premiums from the clients of the funeral parlour in respect of these policies, the funeral parlour should pay a percentage of those premiums to the underwriter and retain a portion of those premiums in their business account for the purpose of paying claims to the policy holder (FSB Information Letter, 2014: 02).

Funeral parlours offer a wide range of funeral packages, and these are funded through clients' monthly premiums. These packages usually include a coffin/casket, repatriation, transport of the family and deceased, storage of the deceased, lowering device and artificial grass, blanket to cover the coffin, tombstones, and flower arrangements among others. Only a few funeral parlours offer livestock (sheep, goat or cow), and these are included in the package for a minimum monthly premium of ± R50, which increases according to the package size chosen by each service user. This form of funeral payment has been labelled as 'prepaid funerals'.

2.1.5 Department of Health and government mortuaries

The National Department of Health (DoH) is considered the core regulatory body that governs the manner of handling human remains and this is illustrated in the National Department of Health Act No. 61 of 2003. According to the DoH, the funeral undertaker's premises can be understood as those sites that are used or to be used for the preparation and the storage of human remains and may undertake funeral burial services (Government Gazette No. 36473, 2013: 07). These funeral undertakers' premises are to be kept in accordance to the DoH regulations. According to Act No. 61 of 2003, no person shall prepare, or store human remains except at an approved funeral undertaker's premises or mortuary in respect of which a certificate of competence has been issued to that undertaker, for the specific premises, and has been issued by the relevant local government, in this case, the eThekwini Health and Safety Department.

Before a funeral undertaker can obtain a certificate of competence, an application must be made to the eThekwini Health and Safety Department for funeral parlours located at Umbilo. Any person who wishes to apply for a new certificate of competence must, not less than 21 days before submitting their application, issue a notice in one of the local languages in a local newspaper. This notice shall contain information to the effect that an issue of a certificate of competence in terms of these regulations is to be submitted with the local government concerned and, furthermore, that if any person will be affected by the use of these funeral parlour premises and wishes to object to this notice, they shall do so in writing to the local government within 21 days of the notice being published (Government Gazette 36473, 2013: 09).

An application for a certificate of competence shall be accompanied by (i) a description of the premises; (ii) complete floor plan of the proposed construction or of existing buildings on a scale of 1:100; (iii) a block plan of the premises on which true north is shown indicating which adjacent premises are already occupied by the applicant or other persons and for what purpose such premises are being utilised or are to be utilised; and (iv) particulars of any person other than the holder or any of his/her employees who prepares or will prepare human remains on the premises (Government Gazette 36473, 2013: 10). The duty of the holder of the certificate of competence is to inform the local government should any of the particulates stipulated on the application change.

The requirements for funeral undertaker or mortuary premises include an appropriate preparation rooms for the preparation of human remains; changing rooms for each sex for mortuary employees; refrigeration facilities for the refrigeration of human remains; facilities for washing and cleansing utensils used at the premises; facilities for cleaning vehicles on such premises with an approved drainage system; facilities for loading and unloading human remains; and facilities for a back-up source of electricity in case of electricity failure (Government Gazette 36473, 2013: 16). Health and hygiene in such premises are also an important factor, as the Act stipulates that all solid waste on the premises of a funeral undertaker or mortuary should be stored in corrosion-resistant and rodent-proof containers with lids that fit tightly and should be dealt with in accordance with the solid waste management requirements of the local municipality. Furthermore, the holder of the certificate of competence must ensure that employees are provided with clean and protective clothing which include face masks, surgical gloves, plastic aprons, linen overcoats and gumboots.

Premises/sites must be kept free of insects, offensive odours, gases and fumes. All working areas, surfaces and equipment where human remains are stored and prepared should be cleaned and disinfected before and after the preparation of other human remains. All waste generated in the preparation room should be considered to be a health risk and the collection, storage, handling and disposal of such waste shall be done in accordance to relevant health care risk waste standards (Government Gazette 36473, 2013: 17). All these guidelines must be followed before the eThekwini Health and Safety Department can issue a certificate of competence to new funeral undertakers and mortuaries, and only under these specifications can one be recognised as a legal funeral undertaker or mortuary under the eThekwini Municipality and have a funeral mortuary in the Umbilo area. Those funeral undertakers with a certificate of competence can be further classified as formal funeral undertakers and those without the certificate of competence can be classified as informal funeral undertakers.

2.1.6 Department of Home Affairs

The Department of Home Affairs (DHA) has a significant role in the processes that follow after the death of an individual, and this can also be understood in terms of the department's relation to the work of funeral parlours. The DHA also sets out a set of regulations that govern the way in which families and funeral parlours conduct themselves during the death registration process. According to the Birth and Death Registrations Act, 1992 (Act No. 51 of 1992), all

deaths are to be registered with the DoH and a notice of death must be given within 72 hours of death by the informant. At the DHA, deaths are registered using Form DHA-1663 or Form DHA-1680; these forms must be accompanied by the original identity document of the deceased or birth certificate in respect of a minor, biometrics of the deceased, and the informant must be affixed in the appropriate spaces in either Form DHA-1663 or Form DHA-1680, along with a certified identity document of the informant (Government Gazette No. 41970, 2018: 34).

An official of the department documenting the notice of death should verify the particulars of the deceased against the national population register; verify the particulars of the informant; record the cause of death as either 'natural', 'unnatural' or 'under investigation'; mark the birth certificate or identity document of the deceased as 'DECEASED'; issue the informant a death certificate on Form DHA-18 or issue a notice of death on Form DHA-1577 if the death certificate cannot be issued immediately; and, finally, issue the informant with a burial order on Form DHA-14A (Government Gazette No. 41970, 2018: 34). This whole process can be done on the same day provided that the supporting documents and particulars are all present at the time of the death registration.

The Births and Deaths Registration Act No. 51 of 1992 further illustrates the designation and the role of the undertaker in the death registration process. An application for a designation as a funeral undertaker must be made in terms of section 22A (1) of the Act and must be made on form DHA-1774 and must be accompanied with a certified identity document of the applicant, and must include a certificate of competence issued by the relevant municipality, a recent valid tax registration issued by the South African Revenue Services, proof of registration with an association of funeral undertakers and proof of current payment.

To qualify as a designated funeral undertaker, one must be a South African citizen of 18 years or older, not be an employee of the DHA, and must demonstrate to the Director-General his or her knowledge of the Act by successfully completing a written examination conducted by the DoH from time to time (Government Gazette No. 41970, 2018: 37). Once a funeral undertaker has been certified as a designated funeral undertaker according to this Act, he/she can assist families with the registration of deaths at the DHA. Only such designated funeral parlours are able to produce their particulars as a designated funeral undertaker on forms DHA-1663 and DHA-1680 for deaths to be registered and for death certificates to be issued. If the funeral parlour does not have a designation number issued by the DHA, they are not eligible to assist

families with death registration at the department; thus, this qualifies them to be called illegal funeral parlours.

2.1.7 Funeral parlour associations

The rise of funeral parlour associations in eThekwini has increased in the past few years. Previously, very few associations existed. The Funeral Federation of South Africa (FFSA), the National Funeral Directors Association (NFDA), the Independent Funeral Directors Association (IFDA), the Federation of Funeral Professionals South Africa (FFPSA), and the South African Funeral Practitioners Association (SAFPA) were amongst the first funeral parlour associations to which most funeral parlours in eThekwini were assigned. As the funeral parlour industry expanded, the more funeral parlour associations were registered. The establishment of the National Funeral Practitioners Associations of South Africa (NAFUPA) took the funeral parlour industry by storm during the period 2017 to 2018 after its proposal that only Black-owned funeral parlours should conduct their businesses in Black-dominated communities.

The NFDA has about 200 members and is mostly dominated by well-established formal funeral parlours. The main purpose of this association is to promote and enhance ethical obligations, service to families, compliance with laws and regulations affecting the consumer, and to establish the highest standards of professional excellence through voluntary certification (Bester et al., 2005: 31). The IFDA has 13 members and was solely established to allow members to be assistant registrars and to issue death certificates (Bester et al., 2005: 31). Individual funeral parlours can now register to be death registrars and issue death certificates without regard to their affiliation to a specific funeral parlour association. SAFPA has about 450 members, all of which are Black African-owned funeral parlours – a requirement set out in its constitution. SAFPA seeks to set the best practice in relation to funeral services and also to improve the standard of insurance offered by its members. NAFUPA is the most recently-established funeral association.

According to the DoH, every funeral parlour is compelled by law to affiliate with a funeral parlour association before they are registered as a designated funeral parlour. Each funeral parlour association has its own code of conduct and different regulations that guide those affiliated with them. Some regulations are shared across all the associations; for instance, there

is an annual fee that is paid by each funeral parlour. Fully subscribed funeral parlours are given a certificate of current registration by the respective funeral parlour association.

For the funeral parlours within SAFPA and NAFUPA, their mandate on storage fees for other funeral parlours differs from that of other associations. Both these associations are comprised of both formal and informal funeral parlours. According to SAFPA and NAFUPA, if an informal funeral parlour is within their association, they may use the storage facilities of the formal funeral parlour at a highly reduced fee. This is one of the regulations that governs how the formal and informal funeral parlours under these associations co-exist in the industry.

The next section will discuss the implementation of regulations and policies pertaining to the funeral parlour industry.

2.2 Dimensions to policy implementation

Mthethwa (2012: 39) identifies seven dimensions to judge and understand successful policy implementation and locates these within a wider policy structure, and each component can be discussed as follows:

- The policy, its formulation and dissemination
- Social, political and economic context
- Leadership for policy implementation
- Stakeholder involvement in policy implementation
- Implementation planning and resource mobilisation
- Operations and services
- Feedbacks and progress on results

(Bhuyan et al., 2010: 05).

2.2.1 Policy formulation and dissemination

The policy development phase is the starting point of assessing a policy. Policy formulation is part of the procedure during where proposed actions are articulated, deliberated and enlisted into law, or other policy statements; in addition, the goal and objectives should identify relevant activities and indicators by which they will be achieved and measured (Mthethwa, 2012: 37).

During the policy formulation stage, expected outcomes should also be included to allow for the assessment of the results yielded by the policy over time.

If the public will access or enjoy the benefits emanating from a new policy, they should be notified of any new provisions and programmes (Bhuyan et al., 2010: 05). Thus, stakeholder engagement is critical from the moment the policy is developed. This is important because it allows those who are involved to be aware of the policy goals and objectives. For instance, the Gauteng Department of Education should have consulted with the teachers and the parents during the formulation of the policy for the admission of learners into public school through the new on-line system. This promotes public awareness of policies that are being formulated considering that these policies will impact their lives. Similarly, the funeral parlour industry directors should be consulted on the regulations imposed or changed by policy regulators within the industry during this crucial stage to promote awareness of their role in the implementation stage.

2.2.2 The social, political and economic context

Policy formulation must be understood within the context in which they take place. This context often relates to the following aspects i.e. social, political and economic. For this study, emphasis will be placed on the political context because most policies that are developed are politically influenced even when it involves policies that govern the business sector. In South Africa, a country that has been previously clouded with numerous political changes, it is important to recognise that these political changes influence policy changes. Cerna (2013: 04) identifies policy changes as incremental shifts in existing structures or new innovative policies.

Hence, "as the political economy changes, the health context also changes, in turn affecting which actors are involved, which policy decisions are made and what processes take place at various levels, including the operational and service delivery levels" (Bhuyan et al., 2010: 07). Policies formulated in the funeral parlour industry should be understood in the context of this industry, which is economical. The political standing of the policy regulators should not influence the policies-making structure to benefit some parts of the industry over others. All funeral directors should be involved in policy formulation to promote a democratic passing of laws, instead of selecting only a few who may be politically biased to play a role in what will affect the entire industry and its economical context.

2.2.3 Leadership for policy implementation

Policy implementation requires strong leadership for it to be successful. Mthethwa (2012: 41) asserts that high-level policy actors and influential leaders can communicate about the policy's rationale and mechanisms for implementation, and pilot the policy to ensure successful implementation which requires co-ordination and co-operation. Strong leadership stems from strong political structures that form part of the leadership which steers the policy implementation wheel. Bekker and Van Heyningen (2011: 26) indicate that meeting the policy requirements demands a well-performing workforce that is made up of committed and competent individuals, as well as a working environment that is shaped for excellence by strong and dynamic leadership. This aspect calls for regulatory bodies regulating the funeral parlour industry to employ agents with adequate knowledge, skills and qualifications for the task at hand. The leadership and the workforce of the regulatory bodies need to be on par with the funeral parlour directors on all the stages, goals and objectives of the policies brought into effect.

2.2.4 Stakeholder involvement in policy implementation

The term 'stakeholder' is used to describe any policy actor, institution, group or any individual, with an interest or a role to play in any decision-making processes with the society (Hutahaean, 2017: 462). Policy stakeholders refer to or involve groups or individuals that are responsible for policy implementation, people who may be positively or negatively affected by the policy's implementation or lack thereof, and officials and professionals accountable for achieving the policy goals (Mthethwa, 2012: 41). From the policy formulation phase, stakeholders should be included in all the policy changes that occur until the policy monitoring stage. Bhuyan et al. (2010: 11) confirm this by stating that successful policy engagement of different groups within the public, civil society and private sectors is crucial to the implementation process, as each sector contributes unique perspective, skills and resources. This reiterates the important notion of involving all stakeholders in the funeral parlour policy development process, including the formal and informal funeral parlour directors, the funeral parlour associations and all the regulatory bodies, for instance, the DoH and the FSB.

2.2.5 Implementation planning and resource mobilisation

Once strategies are determined, implementing organisations need to estimate and mobilise all the resources required to effectively implement the policy; and because new policies often involve new strategies, this may often require the modification of old practises and adoption of new practises (Bhuyan et al., 2010: 08). This includes the training of officials and professionals who are tasked to carry out the implementation process, as well as outsourcing skills that may not be available within the implementation agency.

For instance, the officials at state mortuaries, private funeral parlours and the DoH need to be trained on the implementation of new and updated policies in the funeral parlour industry, as they are direct implementers of the policies regulating the issuing of death certificates for funeral parlours. They should be equipped with the policy implementation strategy and the policy goal, such as the documents required to be a death registrar and the requirements for one to be eligible to apply for a death certificate. Marume et al. (2016: 90) emphasise the importance of resource mobilisation, indicating that lack of resources hinders policy-making and that no matter how clear the implementation orders are, if the person responsible for carrying out the policies lacks the resources to do an effective job, policy makers are most likely disappointed with the results.

2.2.6 Operations and services

Mthethwa (2012; 43) asserts that policy implementation at the operational and service level involves co-ordination with other organisations, including those that may have no prior experience working together, which may have either a positive or negative effect on service delivery. This requires extensive training of the human resources involved as policy implementers who are joining forces with common policy goals and objectives. However, Bhuyan et al. (2010: 09) argue that the process of delivering a new policy, particularly those policies that require significant training, learning and changes within the organisation can be time consuming and expensive. This does not however diminish the fact that investing in public officials is important, not only because they must know, but because they must also desire to carry it out if implementation is to proceed effectively, efficiently and economically (Marume et al., 2016: 91). This aspect seeks to join the preceding elements, which is crucial in the implementation of policies in the funeral parlour sector. For successful implementation of this

industry's policies, funeral parlours and all other stakeholders need to be involved. Funeral parlour directors and the regulatory bodies need to be aware of each other's role in the successful implementation of policies. Each department needs the strategies that will be undertaken, thus promoting efficient delivery for funeral parlour services guided by the policies that all parties were involved in formulating and implementing.

Bhuyan et al. (2010: 09) aver that to assess the operational and services elements, policy implementation should focus on the following aspects:

- Suitability of adopted strategies and interventions to reach the policy objectives given the available resources.
- Operative service delivery arising from the policy.
- Defining the delivering of services and how these services are addressed.
- Working together with other organisations in policy implementation.
- Degree of flexibility in adapting strategies to diverse local needs.

2.2.7 Feedback and progress on results

Bhuyan et al. (2010: 09) affirm that policies typically include monitoring and reporting requirements. As such, some policies appoint an entity to be responsible for monitoring, often a government agency or representative or an official body comprising governmental or non-governmental representatives. This element of policy implementation is crucial to the policy cycle and is most effective for successful policy implementation if it is performed continuously, as the policy is being implemented. The monitoring of policy development and implementation is an integral part of the policy cycle.

Monitoring is defined as follows by the DFID: "Monitoring is a regular process that systematically collects data on specified indicators to provide management and the main stakeholders of an ongoing development intervention with indicators of the extent of progress and achievement of goals" (DFID, 2014: 04). This element is often neglected within the funeral parlour industry. As previously discussed, policies should be adopted in the presence of all stakeholders, and a similar practise should be followed when policies need to be monitored and evaluated. This would give the funeral parlour directors and regulatory bodies the necessary feedback of the policy to determine the success or failure of the policy, as well as accountability measures for those who have failed to successfully implement the policy.

Policy success is not solely based on policy implementation. Instead, it is also reliant on solid monitoring standards and strategies. Monitoring and evaluation of policies should encourage accountability, improved performance and encouragement to do more, and different stakeholders involved in the policy process should be streamlined and a successful communication effort should be launched (Mthethwa, 2012: 44). Efforts by the policy implementers should be made to engage all relevant stakeholders to formally present the outcomes of the policy, the policy failure or policy success, accountability measures in cases of policy failure and improvement strategies for future policy development initiatives.

2.3 Debates on funeral parlours: the international scope of funeral parlours

Relevant literature proves that there are scholars in public policy who have prioritised to study the extent to which public policies are implemented in various funeral parlours. Wanjiru (2011) is one of the recent scholars who conducted a qualitative study in Nairobi, which looked at the operations of funeral parlours. The study focused on the characteristics of the funeral industry in the context of Nairobi. The findings indicated that most funeral companies were less than five years old, were either sole proprietors or partnerships, and that out of the 16 companies in Nairobi, only three of them had mortuaries and these were categorised as formal funeral parlours. With such a small number of mortuaries categorised as formal funeral parlours, families had a hard time finding funeral parlours with fully-compliant mortuaries. In Ireland, Helpenny (2013) explored the families' decision-making processes when choosing the right funeral parlour for their deceased. It emerged that families chose funeral parlours based on the standards of their services and establishments as well as all the experiences they would have had with the service provider.

Beard and Burger (2015) carried out a qualitative study in the United States that focused on the evidence of the increasingly-developing funeral parlour industry to analyse the motivation for fluctuations in the funeral home industry. In their findings, Beard and Burger (2015) established that business-profit motivation was one of the main motivations for the changes in the industry. Further, consumer-related motivation emerged as another factor contributing to the changes evident in the industry. For example, "consumer-related motivation is defined as changes within funeral homes or the funeral industry that are motivated by consumer demands or desires. Largely, this motivation, in comparison with the Business-Related Motivation, was the more prevalent to emerge from the analysis" (Beard and Burger, 2015: 57). Overall, the

analysis showed that the main motivation for the developments and changes that occur in the funeral parlour industry are related to profit generation and the need to meet clients' desires.

Forsyth and Palmer (2006) conducted a study using a variety of qualitative methods in the Louisiana State. Their study sampled 20 funeral directors with the rationale to explore the activities of funeral directors and the funeral parlour process. The study found that the main role of the funeral parlour includes receiving the first call once a person has died, the removal of the deceased body, and arranging the burial of the deceased or preparation for cremation and embalming until the process of public viewing and the burial. The study established that:

> *"The duties of funeral directors have been a gradual accumulation of those that were previously performed by barbers, embalmers, casket makers, midwives, and clergy. These roles have been combined creating the distinctive nature of the work of directing, conducting, arranging, and officiating at funerals and burials"*

(Forsyth and Palmer, 2006: 123).

2.3.1 Funeral insurance: international and local scope

Funeral insurance can be understood as a type of life insurance used to pay for funeral expenses and merchandise related to a funeral; it can be bought online, telephonically or through personal consultancy (Kagan, 2018: 1). Funeral insurance provides short-term funding at death to cover the cost of the funeral such as body storage, caskets, transport, catering, tombstones and flowers. Funeral insurance can be further illustrated in terms of funeral cover or funeral policy (terms used interchangeably), which can be understood as the lump sum amount paid to the beneficiary of the funeral insurance to assist to cover funeral costs. This amount is usually paid within 48 hours after a death has occurred and all necessary documents have been submitted to the insurer as notification of death or as agreed upon in the policy document (1Life, 2015: 3). In the context of the funeral parlour industry, funeral insurance is also undertaken to cover the full funeral costs without the expectation of a monetary pay-out; the most common benefits are in the form of funeral services. Funeral insurance can be provided by both formal and informal funeral parlours, yet the difference in their administrations is that formal funeral parlours are underwritten by third-parties and informal funeral parlours do not have underwriters associated with their companies.

Along with death being a more common occurrence compared to the olden times due to the rise in population, the process of laying someone to rest has also become expensive. Gone are the times where, in most African societies, a corpse will be laid without the process of glitz and glam that one now observes. For example, "Xhosa burial practises in the 21st century present strong performance qualities, evident in the required actions and bearings of the bereaved. This is enforced by visual imagery of large investment in extravagant and lavish burial caskets, flowers, catering and clothes just to mention a few" (Potelwa, 2016: 01). It has become a common trend that people are now budgeting for death more than their daily survival. Pressure to budget for death is also exerted by insurance companies who promise to provide state-of-the-art services such as glamorous decorations where the funeral service will take place, the most expensive casket on the market, live recording of the funeral including live screen-viewing of the funeral proceedings, as well as catering services fit for royal individuals. This idea of such charismatic funerals comes at a hefty price, hence families see the need to budget for death throughout their entire lives.

A qualitative study by Dercon et al. (2006: 2) conducted in Ethiopia and Tanzania explored the funeral insurance phenomenon in the Ethiopian and Tanzanian context through sampling insurance groups and indigenous insurance institutions developed to cope with the high funeral costs based on evidence from rural areas in the two settings. These institutions are developed on well-defined rules and regulations often offering their clients insurance for funeral expenses based on monthly premiums. The study found that many of these group-based insurance companies had written membership lists and rules, and had well-defined coverage and pay-out schedules. These institutions are not operating directly in formal financial markets and are strongly independent from local political forces (Dercon et al., 2006: 17). Such group-based insurance assisted rural Ethiopians and Tanzanians to cope with the hefty financial burdens of paying for the funerals they desired for the dead in their families.

Mutasa (2015) conducted a quantitative study in South Africa with the aim to explore the significant increase in funeral insurance post the year 2000 by sampling the FSB. The study established the factors that influence the funeral insurance consumption demand. These were mainly economic factors such as income, dependence on social security, and interest, but also included other factors such as life expectancy, population growth and HIV prevalence. Such factors have precipitated the need for studies that consider each factor, such as HIV with specific attention to the funeral parlour industry.

Earlier than the above study, Girardo (2004) embarked on a study in eThekwini using a triangulated qualitative approach with the rationale to analyse how eThekwini funeral homes and the broader society were coping with the increasing mortality rate due to HIV/AIDS. The study sample comprised six funeral homes, eight burial society officers, one burial society member and one City of eThekwini cemetery official. The study found that funerals have become a huge financial burden to low-income families in eThekwini. Furthermore, it emerged that due to the notably high number of HIV-related deaths, the funeral parlour industry continues to grow as more people see an opportunity to accumulate profits by providing funeral services. The study also established that informal funeral parlours were mushrooming, and were a great threat to formal funeral parlours in several ways, for example, "Funeral homes are facing a different set of problems: competition from informal or 'fly-by-night' funeral homes that have rapidly spread and usurped a considerable amount of business away from the formal funeral homes" (Girardo, 2004: 81).

This study finds relevance in public policy and it also responds to a literature gap which has been confirmed by many scholars and researchers. Amongst those, the Centre of Financial Regulation and Inclusion (CENFRI) (2013) argued that there are thin or no research studies that cover public policies that guide legal determents and the business operations of formal and informal private funeral parlours. CENFRI (2013) conducted a study, using a combination of qualitative and quantitative research methods focusing on the nature of informality in the South African funeral insurance market, which sampled a total of 72 funeral service providers across the country. In their findings, it was evident that most funeral parlours in their sample were not able to comply with the proposed regulations without either substantial assistance and support or partnering/merging with other entities. The study found that most funeral parlours were using money from insurance companies to fund the start-up/ expansion of their business. The study further made a recommendation in its call for "industry education" on the regulations of this industry.

Roth (2000) sought to establish the amount of money people from the Grahamstown township in the Eastern Cape Province spend on funerals depending on whether they have formal insurance or informal insurance. The study sampled 12 participants who were involved in the funeral of a close relative, three months prior to data collection. It emerged that families in this township were spending an average of R18 800 (for those without formal insurance) and R48 200 (for those with formal insurance). A big chunk of this amount was spent on the purchase of a coffin (Roth, 2000: 11). The financing of these funerals differed from one family

to the other. It was also dependent on how they raised the money, for example, selling assets to pay for the funeral, obtaining credit, using personal savings, receiving gifts from family and funeral insurance. The insurance types ranged from formal insurers to formal society schemes and informal for-profit insurers that provide funeral cover.

Similarly, Case et al. (2009) conducted a quantitative study to understand the high cost of funerals and financing for deaths between 2003 and 2005 in the uMkhanyakude District, KwaZulu-Natal Province, and how households determined appropriate spending for funerals. The study found that the main funeral financing for this community was through burial societies and funeral policies. For example, "One mechanism that has evolved in South Africa to help individuals save for funerals are savings clubs or accounts that pay out only upon death. These include membership in a burial society, or the purchase of a funeral policy with a funeral parlour case or an insurance company. Money paid into a funeral policy can only be drawn upon at death" (Case et al., 2009: 8). The study indicated that every month around the time when pension grants were paid out, pensioners would pay a sum of R20–30 (when insuring more than one member, the amount would accumulate) into their burial societies for funeral policies, and the members of these societies were guaranteed that some expenses incurred during a death would be taken care of by the insurer.

Funeral costs are further broken down to cover different aspects of the funeral depending on cultural rituals. For example, "Large expenditures include a coffin, 858 Rand on average; meat, 1 382 Rand on average; and groceries, 1 084 Rand on average. Other expenditures, for example on burial blankets, are close to universal, but are much less expensive. Overall, spending on funerals averages 4 300 Rand per burial. It is significantly higher if the deceased had a funeral policy (5 900 Rand), or if we restrict our attention to adult deaths (4 700 Rand)" (Case et al., 2009: 7).

The following section will examine the effects of the uncertainties of policy implementation on the services users.

2.3.2 Clients' perceptions of funeral parlours

Arguably, both formal and informal funeral parlours would not survive without having a database of clientele, hence their views and perceptions are important in the sector. Van den Berg et al. (2016) conducted a qualitative study on the perspectives of clients who were abused

by the private funeral parlour industry in South Africa. The study sampled 12 bereaved participants, 12 burial societies and 18 community leaders from Gauteng, KwaZulu-Natal and the Eastern Cape. The study found that there were many informal funeral parlours that lacked the necessary business skills and most of them did not adhere to the regulatory requirements to provide monetary benefits (Van Den Berg et al., 2016: 3). The study further indicated that the consumers, who were the most vulnerable, were the ones mostly affected by informal funeral parlours. For example, "The powerful position of informal funeral parlours vis-à-vis customers at the time of bereavement allows them to abuse vulnerable clients" (Van Den Berg et al., 2016: 17).

Smith et al. (2013) utilised both qualitative and quantitative methodologies to explore the funeral insurance companies and their clients' perspectives regarding vulnerabilities related to funeral insurance pay-outs. The study sampled funeral service provider businesses in South Africa during the year 2011. The study found that "in South Africa, a dignified funeral is given high financial priority as part of the cultural belief in the importance of honouring ancestors. Expensive funerals that include food and transport for those attending the funeral are the norm" (Smith et al., 2013: 03). Hence, this cultural belief exerts enormous pressure on South Africans to carefully budget for the unknown, death. Most South Africans do so through common funeral insurance or a 'pre-paid funeral', which they believe will provide the financial support in the event of a death. The study identified the different aspects in which funeral insurance clients are taken advantage of, namely: (i) Funeral parlours indicate that one life may only be insured once, hence should different family members take funeral cover for the same life under different policies, only one member can make a claim, resulting in all the other members forfeiting their claims and premiums, should the cover not have a cash pay-out option; (ii) Where customers/clients are promised a funeral benefit rather than a cash benefit, they are given no assurance that the cost of the service will be stated in monetary value. Clients may be misinformed into paying high premium prices with the belief that it will provide them with a superior funeral, resulting in a situation where the clients are not happy with the level of service received (Smith et al., 2013: 11).

Although complaints are often brought up against formal insurers, consumers are often vulnerable where funeral insurance is provided outside of the regulated insurance market (Smith et al., 2013: 12). Informal funeral parlours do not follow regulations stipulated by policy custodians, hence the end-users of their services are the ones affected the most. They receive poor services, and sometimes do not receive their cash pay-out after years of paying for funeral

insurance. In addition, they have limited recourse options because this industry has not made consumers aware of their rights. The study presents that:

"Funeral service providers that provide in-house coverage without an insurance licence do not comply with any insurance regulation. They do not price products actuarially and generally do not separate their insurance business from the funeral service business. Contributions collected are often not kept aside as reserves against future claims; instead, funeral services are paid out on a cash-flow basis. When cash flow problems arise, or mortality experience is higher than expected, providers that operate on a cash-flow basis will no longer be able to honour their commitments. While the absence of compliance costs and actuarial practices reduce short-term operating expenses, the fact that risks are not adequately managed is to the ultimate detriment of consumers"

Smith et al. (2013: 12).

The above alludes to the interpretation that more consumers are falling into the trap of taking out funeral insurance that promises the most dignified funeral in the event of a death, only to be disappointed by funeral insurers that fail to provide the promised product and service. This is the gap that the current study seeks to fill, and to build on the existing body of literature on funeral parlours. The study reflects on the policies and regulations that guide the funeral parlour industry. It also seeks to unpack the information that the public is not often informed about, which relates to the operation of funeral parlours. It also serves as a reference point for other researchers who intend to study the policies and regulations that guide the funeral parlour industry.

2.3.3 Policies regulating funeral parlours: International and local scope

A quantitative study conducted in the states of Arizona and Florida in the United States by Harrington and Treber (2018) sought to establish the impact of minimum facility requirements on the location of funeral homes and the distribution of their sizes. The study sampled 1 093 funeral homes in Arizona and Florida. It emerged that, "The licensing requirements are often quite specific, stipulating the minimum seating capacity of chapels, the minimum square footage of casket display rooms, and the required supplies and equipment of embalming rooms" (Harrington and Treber, 2018: 3). State auditors have criticised these requirements as they impose unnecessary cost for traditional small funeral homes. This study found that

Arizona's more extensive facility requirements reduced the number of very small funeral homes and prevented them from being located at shopping malls. Further, these requirements also resulted in increased funeral costs. These laws have resulted in an increase in the number of embalming rooms across the country, which culminated in increased consumer costs yet providing very few benefits (Harrington and Treber, 2018: 1).

Similar to any other industry, the funeral parlour industry is governed by policies such as the regulations and standards stipulated by the Birth and Death Registration Act of 1992, Cemeteries and Crematoria By-laws (2015), and the Department of Health's National Act No. 61 of 2003, which regulate the operation of funeral mortuary facilities and burial of the dead. The FSB and the Long-Term Insurance Act of 1998 regulate the collection of funeral insurance premiums and determine the legal operation of the funeral parlour insurance businesses. These regulations are further discussed in Chapter 2 of this dissertation. Wanjiru (2001: 10) conducted a qualitative study to explore the attractiveness of funeral service providers in Nairobi. The study found that in Nairobi, the funeral parlour industry is not restricted in terms of entry or exit requirements, and existing firms could not illegally prohibit the entry and exit of new funeral parlours. In eThekwini, funeral parlours are obliged by law to acknowledge and implement policies that are presented to them before they start to operate. The DoH inspects the mortuary facilities before the funeral parlour can operate (Department of Health National Act No. 61 of 2003). If the funeral parlour fails to meet such standards, they are forced to cease business and all operations.

2.4 Summary

This chapter thematically explored the pertinent discussion in the relevant literature, reflecting on the debates that exist around the subject of interest in this study. The chapter presented an overview of the basic understanding of the topic. It further discussed the literature based on different aspects of funeral insurance that have been carried out by recognised scholars around the globe, which validate that funeral parlours are found across the globe and have invoked a sense of academic inquiry. Discussions from various scholars who have studied the funeral insurance industry presented findings on the local and international scope of the funeral insurance market. These studies presented the narratives that funerals are becoming more expensive and consumers cannot afford them due to economic factors. Furthermore, studies

focused on the high death rate in South Africa due to HIV/AIDS, which inadvertently sparked an increase in the funeral insurance market.

Local studies also explored the prices of funerals. For example, some studies revealed that funerals cost an average of R18 000 to R48 2000. There is evidence that funeral insurance regulations as stipulated by policy custodians are not followed by many funeral parlours. On a larger scale, several studies focusing on funeral parlour policies have shown that cities such as Nairobi do not have strict policies when it comes to starting a funeral parlour business. However, on an international scale, some studies indicated that in Arizona and Florida, licensing requirements are specific and much stricter when it comes to the size of funeral homes.

Research findings also showed that consumers who are given priority in the funeral parlour business are those with high financial backing, whilst those who are poor and vulnerable are taken advantage of. Further, studies explored the lack of business skills amongst funeral parlour owners and staff that led to the exploitation of consumers. This literature has informed the structure and the contents of this study in several ways. The content of the existing literature indicated a clear knowledge gap as there are no publications that speaks to the funeral parlours under eThekwini Municipality. This study is a crucial contribution that bridges this gap in the existing body of literature.

<center>**CHAPTER THREE**</center>

<center>**THEORETICAL FRAMEWORK**</center>

3.0 Introduction

Different scholars have agreed that a theoretical framework is the spinal cord of a sound thesis. Grant and Asanloo (2014: 13) define a theoretical framework as a guide on which to build and support one's study, and which also provides the structure to define how one will philosophically, epistemologically, methodologically and analytically approach the dissertation as a whole. The importance of a theoretical framework(s) is that it assists the researcher to word out a research title and select the most relevant sources. Thus, the researcher familiarises with critical debates and the various variables in the subject. The theoretical framework is useful when analysing and interpreting crude data. This chapter presents a detailed account of theoretical frameworks informing the study. It further elucidates how the implementation theory, and the top-down and bottom-up approaches as implementation models have aided the researcher in the discussion in the data analysis chapter.

3.1 Understanding policy implementation

Madara, Namango and Katana (2016: 109) define a theory as "a set of analytical principles or statements designed to structure our observation, understanding and explanation of the world". Policy is "a statement by government of what it intends to do as well as what government doesn't intend to do. Policies appear as law(s), regulation(s), ruling(s), decision(s), order(s), or a combination of these" Birkland (2011: 09). Policies are enacted by government and the implementation is assigned to policy custodians, front-line workers/ street-level bureaucrats as well as policy networks.

For this study, it is further understood that public policies are formulated by governmental and non-governmental bodies along with other factors that may influence the public policy development. The public policy process is categorised into three main categories: policy formulation, policy implementation and policy evaluation.

After a public policy problem has made its way to the policy agenda, various options have been proposed to solve it. The government has made some choices among those options, but what

remains is putting the decision into practice. This is the policy implementation stage of the policy cycle, where policy decisions are translated into actions (Howlett and Ramesh, 2003: 185). Policy implementation has the potential to determine the success or failure of the policy. Recent developments of policy studies have heightened the need for further studies into policy implementation, because several studies have confirmed that policies are likely to fail if the implementation process is not carried out accordingly. Poor policy implementation of policies is most commonly cited as the cause for policy failure. "This is generally attributed to the inability of policy makers to formulate clear policy outcomes, inadequate governance mechanisms, and the failure of implementing agents because of limited capacity and vested interests" (Spillane, Reiser and Reimer, 2002: 390–391).

3.2 Policy actors

In the South African context, the national, provincial and local governments serve as the institutional framework for government since 1996. The Constitution requires these spheres of government to function as a single system of co-operative government for the country as a whole (DPLG, 2016: 04). However, while national government has set policy objectives, norms and standards for services, the actual delivery programmes and budgets are directly managed by municipalities (DPLG, 2016: 05). For the South African policy context, the national government is responsible for policy formulation and making and developing national standards and norms along with rules and regulations. The nine provincial governments deal with matters that affect their own provinces and the local government consists of the metropolitan, district and local municipalities, who are key players in the implementation of the policies developed at the national level (DPLG, 2016: 11).

In this study, it can be deduced that the main policy custodian in the institutional framework of government is the local-level sphere, being the municipality, as the national government tasks them with the mandate to directly manage the delivery of policy programmes. According to the Municipal Systems Act 32 of 2000, the municipality must engage in an integrated development plan that must include a special development framework with set policy objectives and strategies to achieve those objectives (Van Wyk, 2012: 295). For instance, in the funeral parlour industry, regulations stipulated by the Department of Health (DoH) for the requirements of acquiring mortuary facilities are implemented by the eThekwini Municipality,

which conducts mortuary inspections and issues a certificate of competence for those mortuaries that meet the regulation norms and standards.

From the development of policy at the national level, policy is further filtered down to the street-level bureaucrats who are tasked with the direct implementation of the policies in question. Street-level bureaucrats are front-line workers or policy implementers in government agencies. They are characterised by regular and direct interaction with citizens and recipients of government services, and their decisions and actions often become or represent the policies of the government agencies they work for (Erasmus, 2017: 01). For instance, in the funeral parlour industry, the street-level bureaucrats are the health inspectors who work for the eThekwini Municipality Health and Safety Department who are on the ground receiving applications for new mortuary facilities, inspecting these facilities, advising the funeral parlour directors on the mortuary regulations and issuing competence certificates for those funeral parlours that meet the policy norms and standards.

Street-level bureaucrats have cited several reasons for their shortcomings when it comes to policy implementation. Erasmus (2017: 02) indicates that some of the reasons behind street-level bureaucrats' failure to successfully implement policies include: inadequate resources, vague or conflicting organisational expectations and challenges of performance measurements when it comes to policy goals and objectives. The challenges in performance measurements of policy goals have proved to be another factor in the failure of policy implementation. The local government is faced with the challenge of poor monitoring and evaluation (M&E) of policies and lack of a clear understanding of who is responsible for policy implementation and M&E. Monitoring can be understood as a continuous function that uses systematic collection of data on specified indicators to provide management and the main stakeholders of an ongoing development intervention. On the other hand, evaluation is a systematic and objective assessment of an ongoing or completed project, programme or policy in relation to its design, implementation and results (Masuku and Ijeoma, 2015: 07).

Bester (2015: 5) argues that only a few South Africa departments have M&E units with adequate staff and budgets; and due to constraints, many government departments engage external consultants to conduct independent evaluations of policy. This creates a barrier to successful monitoring of policies since consultants are not familiar with the policies they are monitoring and evaluating because they are rarely consulted during the other phases of the policy cycle. They may lack an understanding of the goals and objectives of the policy that

were constructed during the policy formulation phase to be executed during policy implementation. Hence, the absence of M&E specialists within the local government hinders the successful implementation of policies.

Bester (2015: 08) illustrates that many government departments are trying to establish fully-functional M&E units. However, there is still limited understanding of how the units should be ideally structured, what knowledge and skills are required for M&E practitioners, what policies and procedures need to be put in place and how to plan a programme of evaluation. This shows that much still needs to be done by government departments to ensure that successful M&E is conducted on public policies. This further implies that successful policy implementation particularly in the local government sphere will continue to be threatened by the lack of monitoring tools and resources.

Stokman (2017: 01) asserts that policy networks are also networks in which stakeholders compete to gain binding rulings in a system close to their preferred outcomes. Empirical studies have shown that policy network formation is based on the "organizational state framework which is based on the reflection that public decision-making in the western democracies is characterised by the collection of action of organized corporate actors such as associations of interest groups, political parties and ministries" (Knoke and Laumann, 1982: 256). Policy networks are those organised labour, community and business groups who try to confirm that public policy in a specific area of importance to its members is in their favour (Maseng, 2014: 03). For this study, these policy networks can be understood as the funeral parlours that are directly affected by the policies and regulations developed by the mentioned policy custodians.

However, participation of policy networks does not mean that the views of the entire target group/ policy beneficiaries are considered during the formulation of policies. Maseng (2014: 03) illustrates that it has become a common trend that the representation of interest groups boils down to the notion of "downsized democracy" and "democracy deficits", where citizen participation is often reduced to the participation by the elite and interest groups that have direct access to and benefits from resources. This presents a possible negative impact on the policy implementation process as the voices of the marginalised will not be heard; instead, the opinions of those with considerable power and influence will be considered. In the funeral parlour industry, the formal funeral parlours, most likely the wealthier, are more likely to be invited to participate in the policy formulation process over the informal funeral parlours, which are most likely still struggling to make it in the business. Such unequal power influence

is a disadvantage to the policy implementation process because policy problems will not reflect the entire population of the interest group, thus policies developed will not benefit the entire target group.

Varone et al. (2019: 02) attempt to illustrate the social network analysis which demonstrates the relations between actors who jointly develop and implement a public policy. This study has maintained the empirical importance of the engagement of all interest groups and stakeholders involved in the public policy-making process. This is specifically essential in the policy implementation phase which requires the participation of policy custodians, street-level bureaucrats and policy networks. This presents an opportunity for all the policy actors to adopt the inter-organisational network arrangement which can be instrumental in the policy implementation process.

Such an arrangement is characterised by an extraordinary level of co-ordination both horizontal (between units) and vertical (between municipal, regional, central and international levels) (Varone et al., 2019: 08). Horizontal policy integration refers to different departments of ministries fulfilling the task of inter-sectoral coordination between a number of other departments. This is seen as a political strategy that refers to attempts at being advocates of extrinsic policy objects in order to incorporate these into other sectors' policies at a given political level (Giessen, 2011: 293). This approach favours the idea of the collaboration of departments within an organisation working towards a common objective. However, the horizontal approach is criticised for failing to pay due attention to the policy implementation stage and its role in achieving effective integration; after the formal uptake of new objectives, policy implementation is administered by discrete sectoral departments and such objectives are often rendered ineffective (Giessen, 2011: 295).

In contrast, vertical policy integration refers to the assignment of incorporating extrinsic policy objectives into multiple sectors' policies by a high-ranking governmental body, where the government or parliament in a strategic manner instructs relevant departments to include new objectives in their policies (Giessen, 2014: 487). This entails the traditional approach to policy development and implementation, where the instruction of operation is passed down from the head of department to the policy implementers. Many government departments are tasked with delivering public policy and this approach avoids overlaps of responsibility, and each department develops an autonomous policy sector which delivers highly specialised, functional and vertically organised policy through separate administrators (Giessen, 2014: 488).

Through understanding these concepts, it can be concluded that merging these two concepts could play a crucial role in the policy implementation process. Giessen (2014: 488) argues that merging these two concepts leads to comprehensive vertical integration, which refers to attempts of an advocate of extrinsic policy objectives to incorporate these into other sectors' policies. These policies are in turn backed and further legitimised by the plea of a high-ranking political body and pay attention to due procedures and mechanisms for effective implementations at all political levels. The combination of these two approaches would be beneficial to the policy structure in the funeral parlour industry, which is infused with different policy custodians and different departments with inter-connected policies.

3.3 Approaches to the study of implementation theory

This study has adopted the implementation theory to guide the development of the research objectives, data collection and data analysis. Mthethwa (2012: 37) asserts that, "Policy implementation refers to the mechanisms, resources, and relationships that link policies to programme action. More specifically it means to carry out, accomplish, produce or complete a given task". Further, "understanding the nature of policy implementation is important because international experience dictates that once adopted, policies are not always implemented as envisioned and they do not necessarily achieve the intended results" (Mthethwa, 2012: 37). This provides a platform for researchers to engage in assessing the policy implementation process to provide a better understanding of the gaps and loopholes militating against successful policy implementation and identifying possible solutions to the challenges related to implementation.

Research on policy implementation has allowed the theory to evolve into what it is today. The first generation of policy development studies, emerging during the 1960s and extending throughout the early 1970s discovered the top-down approach. Authors of this generation "began with the assumption that implementation would happen automatically once the appropriate policies had been authoritatively proclaimed" (Cloete and Wissink, 2000: 166). The second generation of studies on the implementation theory began in the mid-1970s and studied the bottom-up approach, advancing the previous studies by challenging the assumption by the first-generation researchers. Second generation authors sought to create systematic theories of the policy process that were generalisable to many cases rather than focusing on one or a few cases (Birkland, 2011: 265). The third generation of studies on policy

implementation further sought to synthesise both these approaches and create one that would integrate both the ideas of the first and the second generations.

This study has employed the implementation theory to guide the development of the research objectives, data collection and data analysis. Mthethwa (2012: 37) asserts that policy implementation mechanisms, resources and relationships that link policies to the programme action specifically means to carry out, accomplish, produce or complete a given task. Understanding the nature of policy implementation is important because international experience dictates that once adopted, policies are not always implemented as envisioned; hence, they do not necessarily achieve the intended outcomes (Mthethwa, 2012: 37). This provides a platform for researchers to engage in assessing the policy implementation process to provide a better understanding of the gaps and loopholes that militate against successful policy implementation and possible solutions to the various challenges related to implementation.

3.3.1 Top-down approach

Policy implementation scholars such as Jeffrey Pressman and Aaron Wildavsky are known as the founding fathers of implementation studies. Pressman and Wildavsky's original work adopts a "rational model" approach, which includes policy goals and implementation research that is concerned with what makes the achievement of those goals difficult (Hill and Hupe, 2002: 44). The top-down approach is clarified as "the way of studying policy design and implementation that considers the goals of the highest-level policy designers, and traces implementation of the policy through the lowest-level implementers" (Hill, 2009: 265). This approach is based on the narrative that policy contains clearly defined tools for the accomplishment of goals and that policy is characterised by the existence of a single statute or other authoritative statements of policy (Birkland, 2011: 265). This approach adopts "that policy goals can be specified by policy makers and the implementation can be carried out successfully by setting up certain mechanisms" (Paudel, 2009: 39).

In the South African context and in the case of this study, this approach suggests that policy developers, also known as policy custodians (the government, the municipality, the Financial Services Board (FSB) and the ombudsman) are at liberty to formulate policies based on tools and goals they believe would influence the success of the policy. It presents the perspective

that policy designers set the policy goals and have knowledge of the tools needed for a policy to be implemented. This knowledge is then transferred down to the "street level" by policy implementers (private organisations and lower-level government departments).

However, there were criticisms to this approach, one of which was that a single national government was embedded with the responsibility to structure policy implementation strategies and provide service delivery. For example, "Perhaps the most problematic feature of the top-down approach model is the emphasis on clear objectives or goals. Without a consensus on what program goals are, it is hard to set a benchmark for program success and failure" (Birkland, 2011: 266).

The above creates a platform where only the policy custodians are fully aware of the policy goals, the policy implementation tools, and the amount of commitment from policy implementers. It fails to incorporate the different policy stakeholders in the policy formulation phase, thus creating a platform for the misinterpretation of the policy's goals and poor understanding of the policy. This notion has influenced the research objectives of the current study, which seeks to explore the policies of the funeral parlour industry as well as the involved stakeholders such as funeral parlour directors who should be included in the policy cycle. In so doing, it would eliminate the concept of developing policies without the relevant stakeholders in the policy development stage. Furthermore, policy implementers fail to share the same amount of commitment levels as the policy designers, hence they do not carry out the policy tasks as required, they misuse the policy resources or commonly fail to acknowledge policy.

This study adopted the top-down approach to analyse the system that is currently guiding the policy process in the funeral parlour industry. The top-down approach focuses primarily on the government to make regulations for organisations such as funeral parlours. The policies are not negotiated with the funeral parlour directors who know the industry better than the government officials and who are mostly affected by them in the running of their businesses. The policies are being handed over to them with consultation, and as a result, those who fail to implement them either operate informally or risk losing business. The issue of a certificate of competence of a funeral parlour is solely based on the regulation of the municipality. According to funeral parlours, these regulations are very restrictive to the start-up funeral parlours and those without the necessary funding to access all the requirements to have a formal funeral parlour. Therefore, a funeral parlour without this certificate is a non-compliant funeral parlour.

3.3.2 Bottom-up approach

The second generation of policy implantation authors studied the bottom-up approach. The bottom-up approach directs attention at the formal and informal relationships constituting the policy sub-systems involved in the crafting and implementation of policies (Paudel, 2009: 41). This approach demonstrates that street-level bureaucrats are considered to have a superior understanding of what the client needs, hence policy-making should be left to them. Bottom-up theorists emphasise that the local level or target group and service deliverers are the key players in policy implementation (Mugambwa et al., 2018: 215). Bottom-up theorists argue that a more realistic understanding of policy implementation can be gained by looking at policy from the view of the target population and service deliverers, and that policy implementation occurs at two levels: at the macro implementation level, which are centrally located actors who devise a government programme plan; and the micro level, where local organisations react to macro-level plans and devise their own programmes and implement them (Mugambwa et al., 2018: 215).

According to Birkland (2011: 268), the bottom-up approach is based on these assumptions:

> *"First, the bottom-up approach recognises that goals are ambiguous rather than explicit and may conflict not only with the other goals in the same policy area but also with the norms and motivations of street-level bureaucrats."*

> *"Second, the bottom up approach does not require there to be a single defined 'policy' in the form of a statute. Rather, policy can be thought of as a set of laws, rules, practises and norms such as 'energy policy' or 'criminal procedure' that shape the way in which government and interest groups address problems."*

> Birkland (2011: 268)

This approach presents the idea that businesses should be at the centre of policy formulation and goal setting of policies. Roux (2002: 429) asserts that, "It is the public official who is confronted continuously with the challenges of implementation as well as the cause and effect of policy. The public official is in an excellent position not only to identify limitations and constraints in policy, but also to initiate effective procedures to rectify them". This understanding considers the fact that funeral parlour owners are the centre of the industry, they operate the businesses and they bear the ideas for the development of their businesses. They

know the problems faced by the industry, and the bottom-up approach attends directly to the idea that the policy process is an approach to address problems.

Along with these developments in policy implementation studies, there were major problems with this approach. The bottom-up approach is criticised for its overemphasis on the ability of street-level bureaucrats as the main policy makers, since they are not free agents who have no self-serving interests of their own. For example, "They are constrained to act in a particular way based on their professional norms and obligations, by the resources available to them, and by legal sanctions that can be applied for non-compliance" Birkland (2011: 269). Critiques of this model further assert that bottom-up models of implementation groups are active participants in the implementation process, which is not always true and it fails to consider the power differences of the target group. Some target groups may be more positively constructed than others, with the result that those with greater power can have greater influence on the impact of policies that affect them than can other groups (Schneider and Ingram, 1993: 334).

3.3.3 A synthesis of both approaches

The bottom-up and top-down approaches have both shown strengths and weaknesses. This is perhaps the rationale behind researchers seeking to find an approach that combines the benefits of both these approaches. Elmore (1979) attempted to combine the two approaches with the forward mapping and backward mapping perspectives. Elmore (1979: 602) argues that policy designers should choose policy instruments based on the incentive structure of the target group. Forward mapping consists of stating precise policy objectives, elaborating detailed means-end schemes and specifying explicit outcome criteria by which to judge the policy at each stage. The backward mapping entails stating the behaviour to be changed at the lowest level and describing the set of operations that can ensure the change. This will enable policy designers to find more appropriate tools by considering micro implementers and target group interpretations of policy problems and possible solutions (Paudel, 2009: 43).

Khan (2014: 06) asserts that the third generation of research attempted to confront directly the conceptual and measurement problems that have impeded progress in the discipline and put emphasis on specifying a clear hypothesis, finding proper operationalisation, and producing empirical observations to test the hypothesis. Winter (2012) contends that conflicts or consensus in policy formulation often continue into the subsequent policy implementation

process, including lack of attention among the coalition partners passing the law, and can lead to implementation failures. Hence, stating clearly the policy goals and policy objectives for all stakeholders at the policy formulation stage plays a crucial role in policy implementation success.

The above understanding has influenced the selection of the theoretical framework of this study, as the study aims to present the importance of involving funeral parlour directors at the policy formulation stage of policies and regulations that influence the funeral parlour industry. This is supported by policy implementation theory scholar Elmore's combination of the forward-mapping and backward-mapping theories. The backward mapping consists of several stages that include stating policy objectives precisely, elaborating means-ends schemes in detail, and explicitly simplifying the outcome criteria by which to judge the policy at each stage. Backward mapping ensures the consideration of micro implementers and target group interpretation of the policy problem and policy solutions (Mugambwa et al., 2018: 217).

Sabatier (1991) contributes to the third-generation perspective, arguing that policy needs to be analysed in cycles of more than 10 years to allow for policy learning, and that policies operate in parameters which include socio-economic conditions, legal instruments, and the basic government structure which remains relatively stable over long periods of time (Mugambwa et al., 2018: 217). Sabatier further argues that advocacy coalitions such as groups of policy advocates from different organisations, both private and public who share the same set of beliefs and goals, should be the main unit of analysis in the study of policy actions; moreover, they have their own views regarding the policy problems, policy solutions and legitimate actors accepted (Mugambwa et al., 2018: 217).

This narration of the theory has influenced the study and the analysis of the study findings as it continuously exerts emphasis on the element of the involvement of concerned policy groups and the benefiting of particular individuals through the policies developed. This shapes the study recommendations as it visions the active involvement of funeral parlour directors and staff in the formulation of funeral parlour industry policies. These interest groups have richer knowledge and can possibly demonstrate a better understanding of policy problems and policy solutions. It would also benefit policy implementers to understand the socio-economic position of the funeral parlour industry as it is best known to those who operate the industry. Greater emphasis must be placed on the importance of involving funeral parlour directors in the M&E of policies to allow for accountability measures to be implemented.

The synthesis approach focuses on these key propositions:

Clear messages sent by credible officials and received by receptive implementers who have or are given sufficient resources and who implement policies supported by affected groups lead to implementation success.

Strategic delay on the parts of states, while delaying the implementation of policies, can actually lead to improved implementation of policies through innovation, policy learning, bargaining, and the like.

Birkland (2011: 271)

This approach was appropriate for the current study because it suggests that the policy regulators and funeral parlour directors need to collectively develop policies and policy implementation strategies. This helps ensure that both parties would have a clear understanding of the policy, their specific roles in implementing the policy and are able to identify who must account if such policies are not implemented. An increase in the engagement of funeral parlours in policy adoption will allow this industry to have a clear understanding of the policies that govern them and a clear understating of when they may be held accountable should a funeral parlour fail to follow these regulations. The Economic Commission for Africa supports this notion as it advocates that African governments should "improve their relationships with these organizations and use them as partners in development rather than adversaries. To this effect, mechanisms for regular consultation and participation in policy formulation and decision-making should be established" (Economic Commission for Africa, 2003: 54). Hence, the engagement of both the government and the funeral parlours in the Umbilo area would be beneficial to the successful implementation of policies regulating the funeral parlour industry.

3.4 Summary

This study adopted the implementation theory as the overarching theoretical framework. This theoretical framework was imperative in understanding the research problem and analysing the data collected in the study. The theoretical framework of the study can be understood through the approaches it presents to the study of policy implementation. Policy implementation is dissected into three main categories. The first researchers on policy implementation studied the top-down approach while the second generation of policy implantation researchers studied the

bottom-up approach. Both approaches have been presented in this chapter and have proved to be insufficient in understanding and analysing policy implementation, thus, the third generation of researchers presented a synthesis of both these approaches, which aimed at combining both the top-down and bottom-up approach. The synthesis approach proved to be more appropriate for this study as the elements presented were in line with understanding and analysing the gaps identified in the policy implementation strategies of the funeral parlour industry.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.0 Introduction

This chapter aims to highlight the tools that were used in the undertaking of this research study. It discusses the research design that was used, followed by the research methodology employed. It also highlights the sampling strategy as well as the ethical issues considered in the data collection process. It further discusses the data collection methods that were utilised to collect different information from the different participants.

4.1 Research design and research approach

Shaik (2015: 01) defines research as "human activity based on intellectual application in the investigation of matter. The primary purpose for applied research is discovering, interpreting, and the development of methods and systems for the advancement of human knowledge on a wide variety of scientific matters of our world and the universe". Social research is undertaken when one identifies a problem in society and attempts to systematically investigate it. Research has been used throughout professional practices to question societal problems through systematic observations and find answers to such problems which apply in daily professional practices.

This study adopted the exploratory/case study research design. According to Harrison et al. (2017: 12), "case study research is consistently described as a versatile form of qualitative inquiry most suitable for a comprehensive, holistic, and in-depth investigation of a complex issue (phenomena, event, situation, organization, program, individual or group) in context, where the boundary between the context and issue is unclear and contains many variables". The main goal of case study research is to conduct an in-depth analysis of a problem, within its context with a view to understand the problem from the perspective of the research participants (Harrison et al., 2017: 08). This research design influenced the selection of the research methodology and data collection methods that enabled the researcher to collect in-depth data from the study participants. The research approach that was selected as a data

collection method is the qualitative research methodology. Pathak, Jena and Karla (2013: 192) illustrate that qualitative research focuses on understanding a research query as a humanistic or idealistic approach.

Rahman (2017: 104) asserts that some of the advantages of using qualitative research are derived from its approaches as it produces thick and detailed descriptions of participants' feelings, opinions and experiences and interprets the meaning of their actions. Moreover, qualitative research holistically views human experiences in specific settings and allows the researcher to discover the participants' personal experiences and to figure out how the meanings are shaped (Rahman 2017: 104).

Tierney and Clemens (2011: 20) argue that the relevance of qualitative research in public policy is embedded in the fact that qualitative research is diminishing, and researchers end up thinking in a unitary manner about pressing public issues. Focusing on one particular paradigm (quantitative research) runs the risk of reducing complex environments, when what is needed is fuller understanding of their intricacies. The result is that the opinions of those participating in the study are silenced, thus the meaning of research can be increased by the rich data that qualitative research can produce (Tierney and Clemens, 2011: 21). This relevance of qualitative research methodology to public policy studies motivated the researcher to use a qualitative research approach vis-à-vis a quantitative one.

The qualitative research approach enabled the research participants to fully express themselves, explain concepts in their own way and clarify situations, feelings, perceptions, attitudes and the experiences they have had in relation to this study. Using the research tools in line with the qualitative research methodology, participants were able to express themselves in a way best suitable to them. It proved useful and appropriate to enable the participants to freely relay their experiences of the funeral parlour industry.

This qualitative research approach will be utilised to draw data that will be categorised into the following themes which have influenced the review of literature:

- Funeral parlour industry regulations and public policies
- Implementation of regulations and policies
- Effects of the uncertainties of policy implementation on the services users

4.2 Sampling

Sampling is the process that allows the researcher to study a small part of the target population, and yet collect data that is representative of the views of the total group through sampling procedures that follow certain methodological principles and standards (Sarantakos, 2005: 152). The study relied on the purposive sampling technique to recruit participants who were deemed fit for the study. Etikan (2016: 06) avers that, "the purposive sampling technique, also called judgment sampling, is the deliberate choice of an informant due to the qualities the informant possesses". It is a non-random technique that does not need underlying theories or a set number of informants. The researcher took the responsibility of recruiting the calibre of research participants that the researcher knew possessed the experience that best fit the objectives of the study. Purposive sampling has enabled the researcher to carefully select information-rich participants.

A total of 50 formal and informal funeral parlours were randomly calculated. Out of the 50 funeral parlours, the researcher decided to select two formal and two informal funeral parlours. This was done as it would have been time consuming to sample those funeral parlours that were not actively involved in the matter instead of recruiting those who appeared to be extremely concerned and affected by the issue. Secondly, to have sampled those funeral parlours that were not actively involved in the matter would have generated irrelevant or poor-quality findings, as the selection of participants for qualitative research must be a well-thought-out process that cannot be left to chance. The researcher also purposively selected four consumers irrespective of their race and gender who had accessed services from these mentioned funeral parlours. The researcher was of the view that these consumers had experiences which could generate rich and thick data on the public policies that guide the legal determents and business operations of formal and informal private funeral parlours. To identify the four consumers, the researcher requested a list of five (n=5) service users from each funeral parlour, and from that list, randomly selected four (n=4) service users to participate in the current study.

All funeral parlour participants were approached physically by visiting their business premises to request their participation in the research study. The service user participants were first contacted telephonically to arrange for a home-visit meeting to request their participation.

4.2.1 Detailed presentation of research participants

Below are the participants' (funeral parlour) details:

1. **[FP1] Funeral Directors (Formal)**

    FP1 is located along Umbilo Road, with one director, Mr FP1. Mr FP1 started the company in 2005, and it has been operational since that time. FP1 can be categorised as a formal funeral parlour because it is fully registered with the relevant regulatory bodies and has a fully-operational mortuary in eThekwini. The mortuary has been certified by the eThekwini Municipality.

2. **[FP 2] Funeral Services (Informal)**

    FP2 has been in business since 2006, operating along Umbilo Road. The director of the company, Mr FP2 has been in the industry for 15 years. He gained his experience from a family funeral parlour business that was unsuccessful. The company is an informal funeral parlour as they are not registered with the regulatory bodies and they do not have a mortuary.

3. **[FP3] Funeral Services (Informal)**

    FP3 is located along Umbilo Road and the company has been in business from 2011. The director of the company is Mr FP3, who started the company from nothing and is slowly developing it into a vibrant brand. The company is an informal funeral parlour, but it has the potential to grow into a formal funeral parlour. The funeral parlour is affiliated to some relevant regulatory bodies. However, FP3 lacks mortuary facilities.

4. **[FP4] Funeral Services (Formal)**

    FP4 is a franchise with over 100 years in the funeral business. The eThekwini branch is located along Umbilo Road. The franchisee, Mr FP4 started working for FP4 before he could venture into the franchise with these industry giants. FP4 is one of the biggest funeral establishments in South Africa and is categorised as a formal funeral parlour. The company is registered with all regulatory bodies and has fully-functional mortuaries at all their branches. They are considered the funeral industry giants because they are one of the oldest funeral establishments in the country.

The second set of participants were four service users who utilised the services of the funeral parlours included in the study. Each funeral parlour was requested to provide the researcher

with a list of service users who would be willing to participate in the research. One from each funeral parlour was selected to participate, and each service user was interviewed separately.

For the purpose of the current research study, the findings presented in Chapter Five are indicated as SU1, SU2, SU3 and SU4 to maintain anonymity and confidentiality. Participants from the funeral parlours are indicated as FP1, FP2, FP3 and FP4 in the research findings in Chapter Five.

4.3 Data collection method

Flyvbjerg (2011: 306) argues that the use of multiple research methods to collect and analyse data is encouraged. These were identified as mutually informative particularly in case study research where they provide a more synergistic and comprehensive view of the research problem being studied. Therefore, this study has employed two types of data collection methods, which constituted method triangulation. Unstructured interviews and desktop research were favourably considered relevant for data collection in this study.

4.3.1 Unstructured/in-depth interviews

Unstructured interviews can be understood as interviews in which neither the questions nor the answer categories are predetermined; instead they rely on social interaction between the interviewer and the informant (Wildemuth, 2017: 240). An unstructured interview is the non-standardised, open-ended, in-depth interview which is used as a way of understanding the complex behaviour of people (Punch, 2014: 147). In the current study, unstructured interviews were useful in exploring the topic in detail. Among other data collection methods, this was selected as one of the best to collect data for this study as it enabled the interviewer to freely ask probing questions as the interviews progressed. It also gave the participants an opportunity to respond in a way most suitable to them, thereby producing rich and thick data relevant to answer the study's key research questions. For example, it allowed the interview to flow freely and participants were able to add information that may not have been asked but was relevant to the study.

Open-ended questions were asked in isiZulu and doing so allowed the participants to fully express their opinions and their positions regarding the topic. All the interviews were

conducted face to face. Face-to-face interviews were beneficial because the researcher could observe non-verbal cues and probe even further, which resulted in rich and thick data being collected. A digital audio recorder was used to capture the interview data accurately and enable the process of transcription at a later stage. There was also a separate consent form requesting participants' permission to be audio recorded. The consent form was signed by each research participant before each interview could be conducted. The consent form included information such as where the recording will be stored and did not include people's names.

Should any of the participants request to have access to the recordings, they were advised to be in contact with the university since the intellectual property clause stipulates that all research materials and instruments remain the property of the university. In relation to storage, the recording is kept in the supervisor's locked steel cabinet, but that does not mean that the supervisor will have access to such recordings. The storage is also stipulated in the intellectual property clause and in this case all data collection instruments, which are inclusive of the audio recorder and transcripts, which will be kept for the period of five years. At the lapse of the five-year period the audio recordings will be deleted and the transcripts will be shredded. Confidentiality was maximised across all methods of data collection. Data were only collected upon the research being cleared by the Humanities and Social Sciences Research Ethics Committee (Protocol number: HSS/2209/019M).

4.3.2 Desktop analysis

Secondary data analysis entails analysing data that was collected by someone else for another primary purpose, and the utilisation of this existing data provides a viable option for researchers who may have limited time and resources. Secondary data analysis is an empirical exercise that applies the same basic research principles to be followed just as any other research method (Johnston, 2014: 619). It was considered as a means of data collection because there is a substantial amount of literature that the researcher could refer to and to also justify the critical contribution that the study can make.

Desktop analysis involves analysing mass media outputs such as newspapers, using library resources or the Internet, and government documents. The use of this data collection method was of paramount importance because it presented the study with factual information from the various departments linked to the funeral parlour industry. Official government documents that

were available to the public were utilised to collect a true reflection of the information on the regulation of the funeral industry. To enable the search process, the following key terms were used: funeral parlour regulations in South Africa, funeral parlour regulations, cemeteries regulation in eThekwini Municipality, Financial Services Board on funeral parlours, Department of Health regulations on mortuaries, Department of Home Affairs designation number, funeral parlour associations in Durban and cremation laws under eThekwini Municipality. The secondary data was retrieved from databases including Government gazettes, FSB bulletins and Google Scholar.

4.4 Data Analysis

This study has employed the thematic analysis method to analyse the data collected. Braun and Clarke (2006: 26) assert that thematic analysis is a method of identifying, analysing and reporting themes within collected data. It minimally organises and describes the data in rich detail. Alhojailan (2012: 40) argues that thematic analysis is the most appropriate for any study that aims to discover people's perceptions. It provides data analysis that is systematic and allows the reader to associate an analysis of the frequency of a theme with one of the whole content, which confers accuracy and intricacy and enhances the research's whole meaning (Alhojailan, 2012: 40). The process of thematic analysis requires the researcher to familiarise him- or herself with the data, transcribe the verbal data, formulate codes from the data collected and use these codes to generate themes. For this study, the following broad themes were generated to collect and analyse data:

- Funeral parlour industry regulations and public policies

- Implementation of regulations and policies

- Effects of the uncertainties of policy implementation on the services users

4.5 Ethical considerations

Ethics are an important part of research and should be thoroughly considered by the researcher. Ethics also protects research participants, starting from the recruiting stage right up to the data analysis and the dissemination of research findings. Ethics refers to the system of principles

which can change the considerations about choices and actions. Research ethics involve requirements on daily work, protection of the dignity of subjects and the publication of the information in the research (Fouka and Mantzorou, 2011: 04). This research has exercised the highest level of ethical consideration during the execution of the research study.

4.5.1 Informed consent

"Informed consent is an ethical and legal requirement for research involving human participants. It is the process where a participant is informed about all aspects of the trial, which are important for the participant to make a decision and after studying all aspects of the trial the participant voluntarily confirms his or her willingness to participate in a particular clinical trial and significance of the research for advancement of medical knowledge and social welfare"

<div align="right">Nijhawan et al. (2013: 03).</div>

This also considers the aspect of voluntary participation, as Trochim (2019: 01) illustrates that the principle of voluntary participation requires that people are not coerced into participating in social research. Having mentioned that unstructured interviews were audio-recorded, all the participants were given an opportunity to sign an informed consent form before they proceeded to indicate that they were not coerced to participate in the research. All the participants signed the consent forms.

4.5.2 Privacy

Privacy refers to "persons and to their interest in controlling the access of others to themselves," and no participant should ever be forced to reveal information to the researcher that they do not wish to reveal (Sebeir, 2009: 01). In relation to the study, privacy was guaranteed to the recruited person. Since the researcher did not have space, the interviews were conducted in participants' spaces such as homes and offices. For those who did not have such space, the interviews were postponed until a convenient environment to conduct the interview was found. This was done to maximise privacy.

4.5.3 Anonymity and confidentiality

According to Fauka and Mantzorou (2011: 06), anonymity is protected when the subject's identity cannot be linked with personal responses. This is closely linked with confidentiality, which means that identifiable information about individuals collected during the process of research will not be disclosed (Wiles et al., 2008: 17). In relation to confidentiality, the study was not interested in collecting participants' original names, hence pseudonyms were used to represent people's narratives. Upholding confidentiality also meant that the researcher did not allow any person apart from the study supervisor to have access to the collected data.

4.5.4 Non-Maleficence

This study was conducted with particular attention to promoting non-maleficence. Non-maleficence encompasses the importance of preventing any intentional harm or minimising any potential intentional harm by refraining from injuring the participants either physically or psychologically (Akaranga and Makau, 2016: 06). The data collection process did not cause any harm to the research participants by refraining from asking questions that could pose psychological harm to the participants, considering the nature of the study which focuses on dealing with the collection of human remains and dealing with the bereaved.

4.5.5 Deception

Deception occurs when an investigator gives false information to subjects or intentionally misleads them about some key aspects of the research (CPHS, 2015: 01). In order to prevent this, it requires that there should be no part of the research that concerns the research participants that they should be misinformed about, hence the participants should be told the truth. This study prevented deception by making the research participants truthfully aware of all the elements of the research study that they needed to know. The researcher further made the research participants aware that should they see the need, they may obtain a copy of the research study before it is made public.

4.5.6 Data storage and dissemination

The University of KwaZulu-Natal (UKZN) policy on research ethics (2014: 08) indicates that the data on which public research is based must be available for evaluation by the broader research community and data must be kept confidential for a period in order to protect

intellectual rights. All research conducted under the affiliation of UKZN must conform to this code. Data collected from the research participants will be stored on the researcher's Microsoft OneDrive Cloud account for electronic storage. A hard copy and external drive with the data will be stored by the researcher's supervisor in a locked steel cabinet within the UKZN premises for a period of five years.

The UKZN policy on research ethics (2014: 08) further states that the university encourages the widest form of dissemination of research results by appropriate publication. This research study will be published on the University of KwaZulu-Natal Library Research Space.

4.5.7 Elimination of bias

Smith and Noble (2014: 100) define bias as a systematic distortion of statistical results due to a factor not allowed for in their derivation. In qualitative research, purposive sampling has advantages when compared with convenience sampling in that bias is reduced as the sample is constantly refined to meet the study aims (Smith and Noble, 2014: 100). This study utilised the purposive sampling strategy to select the sample for data collection. During the data collection phase, interview questions were posed to research participants in a non-leading manner. Research participants responded to the questions in their own way without the researcher's beliefs and personal opinion influencing the way that data were collected.

4.5.8 Declaration (audio recording)

Each participant was given a declaration form to sign if they allowed the interview to be audio recorded. Four of the participants belonging to funeral parlours consented to being audio-recorded and two of the participants selected from service users consented to being audio-recorded. Where participants refused to be audio-recorded, the researcher respected their decision and took field notes as the interviews progressed. Recordings from the audio-recorded interviews were sent to the researcher's supervisor for safe keeping and stored on the UKZN researcher's Microsoft OneDrive Cloud account.

4.6 Validity and reliability

Surbhi (2017: 01) asserts that validity indicates the extent to which the research instrument measures what it is intended to measure. It is further indicated that reliability refers to the degree to which the scale produces consistent results, when repeated measurements are made (Surbhi, 2017: 01). Reliability is often closely linked to dependability as it shares similar characteristics, as it refers to the stability of findings over time (Korstjens, 2018: 121). This relates to the achievement of consistent results using similar research methodologies undertaken at different intervals.

Triangulation in research is the use of more than one approach to researching a question. The objective is to increase confidence in the findings through the confirmation of a proposition using two or more independent measures. The combination of findings from two or more rigorous approaches provides a more comprehensive picture of the results than either approach could do alone (Heale and Forbes, 2013: 17). Triangulation was used to maximise validity and reliability of the study. To maximise the validity of the study, the data were collected from both the service providers and the service users. Two different data collection methods were used, namely unstructured interviews and document analysis. Data collected from funeral parlour directors was also cross-checked with the data from government policy documents to determine the accuracy of the information regarding the policies in question.

Korstjens and Moser (2018: 121) refer to transferability as the degree to which the results of qualitative research can be transferred to other contexts or settings with other participants. Moon et al. (2016: 03) further elaborate that transferability refers to the degree to which the phenomenon or findings described in one study are applicable or useful to theory, practice or future research. In the process of compiling the literature review of this study, it was evident that there is limited research done on the funeral parlour industry in eThekwini. Hence, this study can be added to the body of literature on funeral parlours, especially since the study is based on policies and regulations, a topic which is reliant on secondary data, conclusions and recommendations of research projects such as this study.

4.7 Limitations of the study

These were the limitations that this study faced:

One of the research participants had upgraded from being an informal funeral parlour to a formal funeral parlour. During the month of December 2018, they bought a new building with

a fully operational mortuary that complies with the mortuary regulations stipulated by the eThekwini Municipality. Having a certificate of competence issued by the municipality meant that the participant could no longer be included in the study as an informal participant. This has opened a gap for further studies to be conducted on the migration and upgrade of funeral parlours that have changed status from informal to formal funeral parlours and fully operational funeral parlours.

A further challenge that obstructed this research is that one of the funeral parlours sampled, eThekwini Funeral Centre was not available telephonically nor in their offices during the time of seeking gatekeeping, hence they could not be included in the study as it was an ethical requirement to obtain gatekeepers' letters from all funeral parlours before proceeding with the field work.

4.8 Summary

This chapter presented the research methodology that was adopted in collecting data. The study employed the use of unstructured interviews as the preferred choice for data collection. It further explored the sampling process and presented the sample that was used in this study. The chapter also focused on the ethical issues that were considered when undertaking this study. It further presented the data collection process and data collection methods that were used to conduct the field work aspect of this study, categorised as unstructured interviews and desktop research.

The validity and reliability of this study was described in detail and the study limitations were presented in this chapter. The chapter produced a holistic and detailed account of the methods and tools that were used for the research study to be a success. The next chapter is a presentation of the findings and discussions which have been aligned with the themes presented in this chapter and the reviewed literature, and produces the narratives of the research participants that were collected using the research tools presented in this chapter.

CHAPTER FIVE

RESEARCH FINDINGS AND DISCUSSIONS

5.0 Introduction

This chapter presents the data collected from four (n=4) funeral parlours and four (n=4) funeral parlour service users. It also analyses the state of understanding regarding the policies regulating the funeral parlour industry. Both the funeral parlour directors and funeral parlour service users had different perceptions of how this should be regulated and the implications of the regulation structure.

Data for this study were collected using qualitative data collection methods described in Chapter Three. The qualitative data was collected using interviews. The reviewed literature guiding the data collection of this study has been presented in Chapter Two. This section presents the data collected through unstructured interviews. Once the data collection was concluded, the researcher prepared the data by transcribing all the data into transcripts to allow for easy thematic analysis (through coding) of the data. Hence, this chapter presents the data in the form of themes that were deduced from the data collected in response to the key research questions. Data is categorised into the following themes:

- Funeral parlour industry regulations and public policies
- Implementation of regulations and policies
- Effects of the uncertainties of policy implementation on the services users

The study found that the funeral parlours in this area offer the following products and services: repatriation worldwide, transport (hearse), casket/coffin, lowering device, death certificate, storage of the deceased, tombstones, grave plot, funeral plans, embalming, cremation, artificial grass, tents, decorations, catering services, church trolley, sound system, master of ceremonies (MC) and preacher, funeral programmes, photo enlargement and exhumations.

5.1 Demographic profile of participants

Table 1: Funeral Parlour Participants

Participant	Age group (years)	Sex	Role in the company
FP1.	45-50	Male	Director
FP2.	45-50	Male	Director, driver, administrator
FP3.	30-40	Male	Director, driver
FP4.	40-50	Male	Franchisee

The above demographic depiction gives an indication that the research participants from the sample were predominantly males. Further, researchers could embark on a demographic analysis of funeral parlours to establish if there are any that are owned by females. Based on the findings, research may also be relevant to identify the underlying factors that may be unknown to the public or disadvantaging females from owning such businesses in the current democratic dispensation.

Table 2: Service user participants

Participant	Age group	Sex	Location of participants
SU1.	50-60	Male	Umlazi
SU2.	30-40	Male	Chesterville
SU3.	25-30	Male	KwaNdengezi
SU4.	40-50	Male	Umlazi

It is important to explain that the participants who were funeral parlour service users were not located as permanent residents under Umbilo, where demarcation issues became a problem. Instead, they had burial contracts with service providers who were fighting over demarcations. The participants were purposively sampled to share their understanding of how they were affected by these fights, considering that they were caught off guard by death and that they had cultural/ritual processes that they had to follow to put their family members or relatives to rest. Their narratives were key in this study due to them being funeral parlour service users.

## 6.2 Funeral parlour regulations and policies

6.2.1 Funeral Insurance

A report from the South African ombudsman's office articulates the term funeral insurance as:

> *Funeral insurance may broadly speaking be described as an undertaking by one party, the insurer, to another, the policyholder, to provide, in consideration of predetermined contributions usually payable at predetermined regular intervals, a funeral service or a cash benefit or a combination of both, on the death of the life assured, in respect of whom the policyholder has an insurable interest, regardless of the aggregate of contributions the insurer may have received in respect thereof at the time of the death of the life assured*

Nienaber and Press (2006; 04).

Funeral insurance is distinct from most insurance policies as it only pays out when a policy holder or their beneficiary dies. The South African Financial Services Board (FSB) further illustrates that a funeral policy must be accompanied with a formal document that is obtained from the underwriter with details of benefits, premium fees, terms and conditions and has a policy number, which must show one's membership certificate (FSB Funeral Brochure, 2004: 03). A study by FinScope (2017) found that "a recent report by Hippo indicated that the average cost of a funeral has grown to over R40 000 for the over 460 000 South Africans who die each year"; hence more South Africans find having funeral insurance a feasible option than saving up such amounts to cover funeral costs.

Figure 3: South Africans with funeral insurance cover
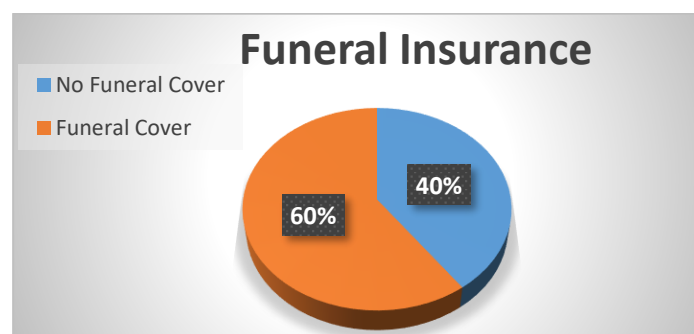
Source: FinScope 2014

According to FinScope (2014), 60% of adults have taken insurance, with 32% being burial society memberships, whilst the other 40% cited financial constraints and affordability for not having any form of insurance. This study found that all the funeral parlours were providing funeral insurance to their consumers. When asked about the services that they were providing, they all included funeral insurance as part of their packages that they offer for a monthly premium paid by the service user.

As per the above, the findings illustrate a 60% demand for funeral insurance amongst adults, and this has been sparked by the experiences that service users have had with funeral insurance. Hougaard and Chamberlain (2011: 05) indicate that one of the reasons for the demand for funeral insurance is to cope with the financial cost related to the funeral. People use different types of coping mechanisms that include using all their savings, taking out loans, requesting assistance from family and friends for contributions, or selling assets at less than the asset value to acquire the means to conduct a proper burial (Heegaard and Chamberlain, 2011: 05). People avoid these financial constraints of funerals by paying for funeral insurance, which translates to the funeral being termed a "pre-paid funeral".

Another factor contributing to the demand for funeral insurance as indicated by the current trend of lavish funerals is the desire to honour the dead. Hougaard and Chamberlain (2011: 05) indicate that in some cultures, honouring the dead is essential. In South Africa, expensive funerals with food and transport are regarded as a norm. Nabeth and Barrau (2010) found that Haitians believe that a dignified funeral will ensure that the soul of the deceased will spiritually take care of the surviving relatives. This presents the notion that people possess the belief that having a lavish and expensive funeral represents a dignified funeral. As such, more people are investing in funeral insurance to cover the costs of funerals.

The funeral insurance sector in South Africa is regulated by the Ombudsman and FSB. The FSB Funeral Brochure (2004: 06) indicates that beneficiaries should first direct their query to the insurer of their funeral policy should they face any problems with their funeral insurance. Further, they can report the complaint to the Long-Term Insurance Ombudsman or the FSB if they are not satisfied.

The FSB stipulates that if a funeral parlour offers funeral policies as part of its core business, such policies must be underwritten by a licenced insurance company which meets these requirements. Funeral parlours may legally collect premiums on a regular basis only if those premiums would remitted to the insurer (FSB Bulletin, 2014: 20). It is further stated that if the

parlour offers the funeral policies itself or offers financial advice, then it would need to register and be licenced in terms of the Financial Advisory and Intermediary Services (FAIS) Act (FSB Bulletin, 2014: 20). Therefore, for a funeral parlour to be eligible to collect premiums from its members, it needs to produce an underwriter certificate and be registered with the FSB as a financial service provider. The study found that only 50% of the participants qualify to be classified as a formal funeral parlour in terms of the FSB regulations in respect of collecting premiums, as they are underwritten by an independent underwriter for the monthly premiums they collect from their members. Further, 25% of the participants were aware that their companies must be underwritten by an independent underwriter. However, they indicated that they had not complied with this regulation because they were still growing their businesses and it would damage their profit margins should they take the money collected for their premiums and further pay it to an underwriter. A similar percentage (25%) of the participants were not aware that having an underwriter for collecting premiums is part of the requirements for owning a funeral parlour business. When asked about all the requirements for operating a funeral parlour business, FP1 responded:

> *"You have to be registered with the Financial Services Board, SARS and the Department of Home Affairs. You have to be registered with a funeral association to be able to have a DHA designation number."*

Whilst FP3 responded:

> *"No, no. I do not have a certificate of competence. This certificate is given to funeral parlours with mortuaries. We don't have an underwriter because they are too expensive. We rather use the money collected for premiums for other business expenses."*

It emerged that 50% of the funeral parlours interviewed were working outside of the legal requirements, in contravention of the regulations stipulated by the FSB. This characterised them as non-compliant funeral parlours who have failed to implement the regulations that guide the funeral parlour industry.
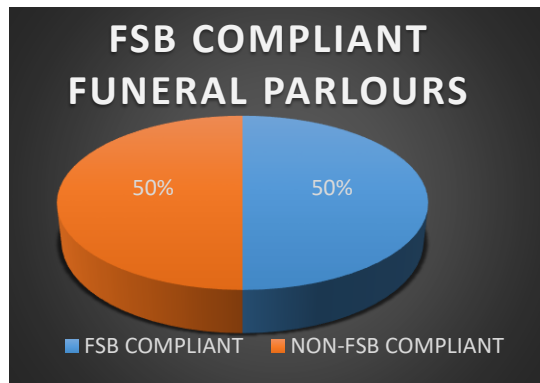
Figure 4: Funeral parlours compliant with FSB regulations

6.2.2 Funeral parlour mortuaries and business operations

The African continent has experienced a shift from not utilising funeral mortuaries to being fully dependent on them in case of death. Van der Geest (2006: 485) articulates that in Ghana, before 1969, funeral mortuaries hardly existed. The people would do their utmost to prevent relatives from dying while in the care of hospitals, as it was costly to undertake a dead body and the mortuary costs attached were largely beyond the reach of many (Van de Geest, 2006: 485). Instead, they would quickly rush the sick person to die in their homes where they would be buried the next day. This narrative has changed as most Africans have adapted to the use of mortuaries to keep the dead. This is particularly so in countries such as South Africa where it is compulsory that a death must be registered, something which can only be done if the deceased has been transported, stored and prepared through the mortuary system.

Funeral parlours, mortuaries and other business operations can be covered through a wide spectrum of literature; however, this study focuses on the funeral parlour polices that regulate the operation of the business aspect of the funeral parlour industry. This theme has been broken down to pave the way for a clear understanding of the policies guiding the funeral parlour industry through an exploration of the legal requirements for funeral parlour owners.

The main regulations that guide the operation of the funeral parlour industry can be understood as follows. Funeral parlours are required to have a registered company with a valid registration certificate. Each funeral parlour should hold a certificate of competence after the inspection of the mortuary facilities from which they operate. The funeral parlour should also be registered as a death registrar and have a valid designation number to register deaths and assist in the issuing of death certificates (Government Gazette No. 41970, 2018: 37). The study finds that

funeral mortuaries have a certificate of competence which is valid for a period of one year and once that certificate expires, officials from the eThekwini Municipality Department of Health are required to do a follow-up inspection of the premises to ensure that the state of the mortuary meets the regulatory standards as stipulated by the policy custodian.

Table 3: Requirements for funeral parlour business in Umbilo

Funeral Parlour/ Mortuary Requirements	FP1	FP2	FP3	FP4
Company registration certificate	✓	✓	✓	✓
Certificate of competence (for mortuaries)	✓	✗	✗	✓
Registration as a death Registrar (with DHA)	✓	✗	✗	✓
Registration with Department of Labour	✓	✗	✗	✓
Financial Services Board Registration	✓	✗	✗	✓
Registration with funeral parlour association	✓	✓	✓	✓

The above are some of the requirements that need to be met by funeral parlour businesses to operate in the Umbilo business community derived from the responses elicited from the sample of funeral parlour participants. Evident in the findings is that only 50% of the funeral parlours interviewed met all the basic requirements to operate a funeral parlour business. Goldstone (2008: 01) reported that, "a fair number of undertakers have followed the legal requirement of application to acquire a certificate of competence. However, a vast majority of illegal operators still operate within the industry. These operators do not have approved premises, trained staff, proper vehicles or a certificate of competence".

When asked about the requirements of the funeral parlour industry, one of the participants, FP2, clearly displayed limited knowledge of what was required of him to be in the funeral industry.

> *FP 2: "CK document (company registration documents), association, landline, offices, transport."*

This indicates that some funeral parlours lack knowledge of the basic operational tools needed to be a formal part of this industry. Most companies simply operate on the minimal that they have: a registered company, a mini-van to collect corpses and an office to consult with their clients; hence they are labelled as informal funeral parlours. This is further illustrated in the study conducted by Van den Berg (2016: 03), in asserting that informal funeral parlours lacked

the necessary business skills and most of them did not adhere to regulatory requirements to provide monetary benefits.

When asked about how they continue to operate whilst they fail to meet the basic requirements of running a funeral parlour, the following answers were elicited.

> **Researcher: "Does your company meet all these requirements?"**

> **FP2:** "No."... "Like the competence, I do not have the certificate of competence. I store my clients' bodies with other funeral parlours that have a certificate of competence."

When asked the same question, FP3 responded:

> **FP3**: "No, No. I do not have a certificate of competence. This certificate is given to funeral parlours with mortuaries. We don't have an underwriter because they are too expensive. We rather use the money collected for premiums for other business expenses."

> **Researcher: "If not, how do you continue to operate?"**

> **FP3**: "We use bulk storage of bodies. Because the rent is expensive, we share one mortuary to store the bodies and we pay for the storage costs of storing these bodies."

Mugambwa et al. (2018: 27) argue that the third generation of policy implementation researchers identified that advocacy coalition should be a unit of analysis in the study of policy actions, which entails groups of policy advocates from different backgrounds with a common set of beliefs and goals. "These groups attempt to have their views, regarding policy problems, solutions, and legitimate actors accepted" (Mugambwa et al., 2018: 27). A coalition of different advocacy groups is required to be able to adopt different views from all aspects and stakeholder reference points with regard to adopting policies that are in line with the funeral parlour industry. Some policy solutions are embedded within the coalition of funeral parlours working together to render dignified services.

Informal funeral parlours shared their coping mechanisms as non-compliant businesses in noting that it is usually through the aid of formal funeral parlours that they manage to stay in business. This indicates a level of coalition between the informal and formal funeral parlours. Formal funeral parlours are opening their doors to the smaller informal funeral parlours in the

form of allowing them to store bodies that they would have collected in their mortuaries, as the informal funeral parlours lack the necessary facilities.

This is also evident in the study presented in Chapter Two. In this study, Wanjiru (2011: 16) illustrates that in Nairobi only three of their funeral parlours had mortuaries and these were categorised as formal funeral parlours, and with such a small number of mortuaries categorised as formal funeral parlours, families had a hard time finding funeral parlours with fully-compliant mortuaries. However, this has proved to be detrimental to other formal funeral parlours who are not associated in any form with informal funeral parlours. Apparently, informal funeral parlours compete for clients with their formal counterparts, which then reduces the profit margins for the latter.

When one of the participants hailing from a formal funeral parlour was asked about the challenges of operating a funeral parlour in the Umbilo area, he responded:

> *FP1: "There is high competition with 'fly-by-night' funeral parlours. We do quotations for clients based on the expenses we still have to encounter, but when they go to the other funeral parlours they charge them far less because they do not have much expenses to cover. So, we lose out on business because of the difference in prices. They work from the boots of their cars. Further, when a family has been assisted by these funeral parlours and later decides to work with a formal funeral parlour, they make you or the family pay large sums of money for collecting the body from them. They charge R2 000 – R5 000 for keeping a body for one night."*

The above indicates that there are formal funeral parlours that are willing to assist the informal funeral parlours with facilities and other forms of resources that they may lack. However, this may not be beneficial to the industry as clients may be poached directly from formal funeral parlours because they charge less than the standard funeral fee, hence clients may be drawn into using the services of the informal funeral parlours. This poses as unhealthy competition for the formal funeral parlours, considering that they have business expenses to cover with their profits such as rent and utilities for their mortuary facilities, whilst informal funeral parlours do not have such expenses.

6.2.3 Uncertainties in the implementation of regulations and policies

There is often uncertainty about what a policy will achieve, how effective the policy goals will be, or the consequences that it presents for the society; therefore, it is this uncertainty that motivates the study of policy implementation and makes it worthwhile (Anderson, 2011: 209). In Chapter Three of this dissertation, there are reflections on DPLG (2016), with Van Wyk (2012) indicating that policies are what the government intends to do. This chapter indicated that public policies do not implement themselves, but are implemented by policy custodians, front-line workers/ street-level bureaucrats as well as policy networks.

Policy implementation involves those actions by public and private individuals (groups) that are directed at the achievement of objectives and goals set forth in prior policy decisions (Van Meter and Van Horn, 1974: 447). This implies that the policy implementation process relies on previously developed plans and preparations for its success. Studies of the policy implementation process have taken three generations to redefine and illustrate it into what it can be understood to be. The policy implementation theory adopted for this study proposes the combination of the top-down and bottom-up approaches for implementation. This presents ground for the implementation process to have clear and specific policy goals and objectives, and for policy actors on the lowest level of bureaucracy and other policy networks to be involved in the whole policy process.

Muller, Maassen and Cloete (2006: 184) illustrate that the first generation of thinking (top-down approach) on the subject began with the assumption that policy implementation would automatically occur after the appropriate policies had been developed. The second generation (bottom-up approach) challenged the first-generation scholars and demonstrated that policy implementation was not a complex element from policy formulation, but rather a much more political process. The third-generation scholars focused less on the specific implementation failure and more on understanding the implementation process and how it can be moulded and improved. The top-downers focus on the top-level officials and what influenced their behaviour, and whether policy was formulated on the basis of experience (Anderson, 2011: 211). Contrarily, the bottom-up scholars maintained that this approach lends too much attention to the top-level officials and underestimates the capabilities of those at the lower-level to either avoid policy or change it for their own purposes. They argue that implementation studies should focus on lower-level policy implementers and how they interact with their clients (Anderson, 2011: 211).

Implementation studies further made efforts to combine these approaches as the best way to study implementation. As eluded to, policy implementation "involves all the activities designed to carry out policies enacted by the legislative branch. These activities include the formulation of new organizations and the assignment of new responsibilities to the existing organizations; these organizations must translate laws into operational rules and regulations" (Dye, 2013: 55). This concept influenced the adoption of an approach that combines both the top-down and bottom-up approaches to form a synthesis approach, which this study has utilised in its efforts to understand the policy implementation dynamics in the funeral parlour industry and to analyse the data collected from participants.

The findings from the current study indicate that the regulations and policies that guide the funeral parlour industry are very blurred. Information and knowledge about the regulations and policies vary from one funeral parlour to the other, although there were some similarities in participants' responses. For instance, when asked about the operational requirements, the participants shared some common knowledge. However, participants' responses largely varied.

The above illustrates that many funeral parlours lack the knowledge about the regulations and policies that guide their business. They fail to find their role in the implementation process, hence accountability measures cannot be upheld. This shows that the problem does not lie in the implementation of this policy, but rather in the planning phase of the policies and the regulations that need to be implemented. To understand this, one needs to understand policy implementation within the ambit of the policy-making process.

Figure 5: Policy-making as a process
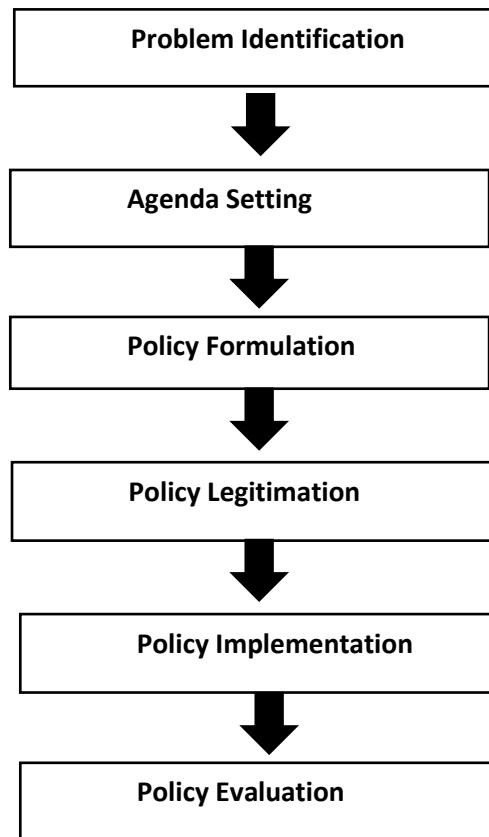
Source: Dye (2013: 34)

For the purpose of this study, emphasis has been placed on the policy formulation and implementation stages of the policy process. According to Dye (2013:44), "Policy formulation is the development of policy alternatives for dealing with problems on the public agenda; it occurs in government bureaucracies, interest groups' offices, legislative committee rooms, and policy-making organizations". This outlines the important role players involved in the process of formulation of policies. This study found contradictory responses from the participants regarding the participation of interest groups in the policy implementation process; however, it can be concluded that funeral parlours believe that not being included is the core source of the lack of policy implementation on their part.

For the funeral parlour industry, the main policies that govern it are correlated to the basic requirements needed for a business owner to operate in the industry. For any business established in South Africa, the business owner is required to register the business with the Companies and Intellectual Property Commission (CIPC). The CIPC's main functions are to facilitate the company registrations; disclosure of information on its business register;

promotion of compliance with relevant legislation; promoting efficient and effective enforcement of relevant legislation; and monitoring compliance and contraventions of financial reporting standards and making recommendations thereto to the Financial Reporting Standards Council (FRSC) (CIPC, 2019: 02). The CIPC is the main policy custodian responsible for the registration of companies in South Africa. It ensures that companies are compliant with the relevant regulations.

The main regulation stipulated by the CIPC that needs to be upheld to have a compliant company is that once a company is registered, the director is issued with a Memorandum of Incorporation, a document which entails the company's registration certificate. Each company needs to file annual returns with CIPC and should the company fail to do so for a set number of years, the company will be referred to the deregistration process (Government Gazette No. 9526, 2011: 53). The current research study found that all the funeral parlours that participated in this study were in possession of a company registration certificate, hence they can be regarded as being compliant in respect of having registered to operate a funeral parlour business.

The research further indicated that for a funeral parlour business to operate in the Umbilo vicinity, the registered companies need to have appropriate facilities to store the bodies of the deceased. The policy custodian of this section of their businesses is the eThekwini Municipality's Department of Health. It conducts an inspection of these facilities and issues a certificate of competence should these facilities meet the regulatory guidelines as outlined by the eThekwini Municipality Department of Health (Government Gazette No. 36473, 2013). The current study found that only 50% of the funeral parlours had such facilities and were in possession of a certificate of competence.

This indicates that 50% of the funeral parlours in the Umbilo area were operating without implementing this regulation stipulated by the policy custodian and, furthermore, the eThekwini Municipality has failed to regulate the mortuary facilities aspect of the funeral parlour industry. Therefore, one may argue that eThekwini Municipality has failed to implement strict measures to ensure that funeral parlours that do not implement the regulation are accountable. When the participants were asked about the implications of not following this regulation, they responded as follows:

> FP2: "We fail to get tenders, for instance, we can't be awarded pauper burial tenders from the government."

> *FP3: "It gets hard to receive payments from municipalities, if for instance you have made a pauper burial, they do not want to pay because we do not have a certificate of competence."*

The study found that these were some of the challenges they faced for not having the necessary facilities, however, it does not hinder any of their other business prospects. They are still able to operate despite not being compliant with the regulation. Informal funeral parlours are still able to collect bodies and store them in bulk storage with formal funeral parlours.

This form of collaboration between formal and informal funeral parlours further creates policy implementation gaps for other policy custodians to implement their own policies, as part of the main requirements indicated by the participants is to be registered with the Department of Home Affairs (DHA) as a death registrar. The DHA is the main policy custodian for ensuring that funeral parlours are registered as death registrars to be able to assist clients with the application for a death certificate.

The DHA will issue a death certificate on receipt of the notification of death (Form BI-1663) and the death report (Form BI-1680). This regulation indicates that funeral undertakers who may register deaths must be appointed and recognised by the law (Government Gazette No. 41970). In order to be recognised by the law, the regulation currently stipulates that the undertaker must be in possession of a certificate of competence issued by the eThekwini Municipality after inspection of their mortuary facilities, and having undergone a written examination and proof of registration with any federation or association of funeral undertakers (Government Gazette No. 41970: 37).

The study found that only 50% of the funeral parlours were in possession of a DHA designation number which is issued under regulations stipulated in the Birth and Death Registration Act of 1992, hence only these funeral parlours are able to register deaths and obtain death certificates for their clients. The other 50% rely on formal funeral parlours who assist them with body storage and with filling in the BI-1663 for their clients to be able to register deaths on their own with the DHA.

The DHA plays a role in ensuring that only formal funeral parlours can be given designation numbers and be registered with the department. However, this has not hindered the operation of the informal funeral parlours as they are still assisted by their formal counterparts to have deaths registered on their behalf as part of the bulk body storage arrangements they have devised. Therefore, there is still a gap in the implementation of the DHA's regulation as it has

not curbed the operation of informal funeral parlours, because they continue to operate despite the law prohibiting them from doing so.

Further, the study found that funeral parlours that collect premiums for funeral cover policies from their clients are obliged by law to be registered as Financial Service Providers and the main policy custodian for this aspect is the Financial Services Board (FSB). The study once again finds that only 50% of the funeral parlour participants were registered with the FSB and were eligible to collect premiums from their clients. All the funeral parlours interviewed indicated that they collect premiums from their clients including those that were not registered with the FSB.

The above suggests that the FSB has failed to implement their regulations and hold accountable those who are still in contravention of their regulations, particularly informal funeral parlours that continue to provide financial services to their clients despite failure to honour their lawful obligations. The main measure that the FSB has undertaken to curb informal funeral parlours from operating on the basis of being unlawful is issuing notices on their digital platforms and in newspapers warning consumers of funeral parlours to whom they should not be paying premiums. The FSB issued a notice titled, "FIAS notice 20 of 2018: Suspension of Authorisation". The notice contains a list of over 100 funeral parlours that have had their Financial Service Provider licenses suspended. It states that these funeral parlours are prohibited from concluding any new business.

The FSB has also warned consumers about funeral parlours that have failed to conduct their businesses lawfully by abiding to the FSB requirements through newspapers. *Fin24* (2017: 01) featured a headline, "Funeral Policy Alert: FSB probes 17 schemes" where 17 funeral parlours that were collecting premiums from clients without having an underwriter and registering with the FSB were presented. The article further indicated that the FSB warned that,

> *"These entities will most likely continue to conduct unregistered insurance business and collecting money from the public. Since these policies are not underwritten by a registered insurance company, it cannot be guaranteed that the 'policyholders' will receive their benefits should they submit a claim"*

> (Fin24, 2017: 01).

This however does not indicate that the FSB has fully held accountable those informal funeral parlours that fail to comply, since this study has found that 50% of operating funeral parlours

continue with their business activities despite the reports and notices published. This measure only helps to let the public know of the risky funeral parlours and leaves it to the consumers to be the ones to hold the funeral parlours accountable by not supporting their businesses. The injustice is identified in the fact that cautionary measures are only published online, where only a limited number of consumers are able to access them, leaving a large group of the consumers to fall victim to the flaws of their lack of policy implementation and accountability measures.

The participants who hailed from the four funeral parlours interviewed demonstrated that both the funeral parlours and the policy custodians play a role in the poor implementation of policies that regulate the funeral parlour industry. When asked about the process of formulating these policies, they responded:

> FP2: "The Department of Health, Home Affairs, and the [eThekwini] Municipality Leisure and Cemeteries are the ones that develop these policies."

> FP3: "Meetings are held, and invites are only issued to those with mortuaries. They plan on how they can get rid of informal funeral parlours who do not follow these regulations. The Department of Health and that of Home Affairs are told by the formal funeral parlour owners what to add to the policies."

> FP1: "The Department of Health, Department of Home Affairs and that of Town Planning are the ones that develop these policies."

> FP4: "Initially, funeral parlours were involved when developing polices, but now there are just standards that are in place and you have to meet the standards. Health standards are health standards and they are left to the health practitioners."

This study established that funeral parlour directors play a minimal role in the development of the funeral parlour regulation policies. The participants indicated that this is the main reason why policies are not fully implemented. According to the participants, funeral parlours should be involved in the policy development phase. The participants were further asked about the role that funeral parlours play in the formulation of these policies. They responded as follows:

> FP1: "With the Financial Services Board, we are involved because they issue circulars".

> FP2: "Those who have mortuaries are the ones who meet with the Department of Home Affairs to develop these policies."

FP3: "Those with mortuaries meet with the departments to form industry regulations. They should also meet those without mortuaries for them to be included in the policy development phase."

FP4: "There are no negotiations with funeral parlours."

The responses above indicate that formal funeral parlours are involved in the policy formulation phase, whereas the informal funeral parlours are not involved in the policy formulation processes for the funeral parlour industry. In this study, funeral parlours can be identified as interest groups when it comes to the policy formulation phase of policy-making. Popoola (2016: 50) provides an analysis of actors involved in the decision-making process in policy development and indicates that interest groups can be understood as follows: "These are associations of individuals who share common interests, beliefs and aspirations regarding their demands. They are civil society organizations that advance and advocate their interests and demands with a view to influencing the policy process".

According to Anderson (1979), interest groups perform an interest articulation function as they express demands and propose alternative policy actions. They should share their opinions with public officials, which will thereby present much needed information regarding their industry concerning the nature and possible consequences of the policy proposals. "Official policy makers cannot ignore interest groups because of the large following they command and because of their good organisation and prominent activities" (Popoola, 2016: 50). This shows the importance of involving interest groups in the policy formulation process. Further, it allows for a holistic understanding of the policy goals and objectives, policy resources and their role in the policy implementation process, as well as accountability measures to mitigate policy failure. Apparently, funeral parlours have not previously been involved in the policy-making process and have been subjected to lack of knowledge on their role in the implementation of policies, and how they would be held accountable should they fail to implement regulations and policies.

Policy implementation failure is the core reason the top-down approach and bottom-up approach to policy implementation were merged to form the synthesis approach. The combination of both approaches allows one to understand that top policy makers can make choices of policy instruments or tools to structure implementation, while realising that the motivations and the role of lower-level implementers must be considered (Birkland, 2011: 270). The advocates for the synthesis approach of the implementation theory find that policy

is a concept of negotiation as much as it is a command, and to sum up the argument into this proposition which will be relayed in relation to the current study: Clear messages sent by the credible officials, being herewith the mentioned regulatory bodies such as eThekwini Municipality and the FSB, and received by credible implementers such as regulatory body officials, who have been given adequate resources, and those that implement policies that are supported by affected groups lead to implementation success (Birkland, 2011: 271). This study has found that lack of stakeholder engagement, particularly with the informal funeral parlours has played a role in the poor implementation of policy guiding the funeral parlour industry and policy implementation structures. The synthesis approach emphasises the importance of active participation of all policy-making process role players, including those funeral parlours that may be classified as being informal.

6.2.4 Service users' perceptions regarding uncertainties of policy implementation

The concept of policy implementation can be understood through various lenses. This study found that the implications of poor policy implementation in the funeral parlour industry directly impact the same service users the policies are meant to serve. Du Preez (2018: 01) reports that a Klerksdorp citizen took out a funeral policy since 2009 and when his wife died in 2014, he had to wait for four days to hear from the funeral parlour; and when he went to check on the process he found his wife on the floor in a badly decomposed state. When the funeral parlour officials were questioned, they denied any wrongdoing and blamed the temperature of the fridge; whereas according to the Department of Health Act No. 16 of 2003, funeral parlours are obliged to comply with the provisions of various laws including the way in which bodies are handled (Du Preez, 2018: 01).

This illustration is one of many examples where the funeral parlour industry has failed to meet their legal obligations. There is no doubt that there are funeral parlours that serve the community and service users in a professional and dignified manner. Some funeral parlours go above and beyond their work itinerary to make sure that their service is exceptional. However, such testimonies are rarely reported as the industry has been blurred by the service that is offered by the funeral parlours that fail to meet their legal obligation and provide professional services.

The study collected data from four funeral parlour service users who have previously received funeral services from each of the sampled funeral parlours. Each participant was asked a set of questions to understand their experiences with their funeral parlour service provider. Both formal and informal funeral parlours make the promise of providing a dignified funeral for their consumers, but the understanding of a dignified funeral varies from one service user to the other.

When the service users were asked about what a dignified funeral meant to them, they responded:

SU 1	"A funeral that has everything that you need like a casket, having a beautiful service, receiving everything that was promised at the time you took your funeral policy… just a dignified funeral."
SU 2	"What can I say… it starts with the casket, it is the first sign that shows that the funeral is a dignified funeral. And then flowers… lots of flowers make the place where the casket is placed have dignity and the way the people dress for the funeral. People need to wear dark colours."
SU 3	"It means being treated well by the funeral parlour, treating my family well and treating the deceased well just like FP4 did to us."
SU4	"To me, a dignified funeral is when all that the family had planned goes well. The funeral parlour must be on time for the ceremony, the service must be conducted in a dignified manner fit for the one who has passed on. The way in which the traditional mourning ceremony is carried out."

The above illustrates that every service user has different expectations when it comes to being presented with a dignified funeral. While others may view it as the type of service to the products they are offered upon the death of a loved one, some may focus on how they are treated and how they were made to feel during their time of grief. Most service users choose their funeral parlours a long time before they experience a death, hence they would expect to

be treated in a dignified manner. Luxury has however extended to the definition of a dignified funeral. This is substantiated by the study presented in Chapter Two by Smith et al. (2013: 03), which concluded that in South Africa a dignified funeral is given high financial priority in the form of expensive food and transport for those attending the funeral.

Funeral parlour operations have broadened over time and they are not limited to the supply of a funeral at the time a death occurs. "The core business of funeral parlours is conducting funeral services, but they often find themselves taking on another role, collecting monies from consumers and providing cover in terms of these services. That is insurance business because consumers pay a premium for a guaranteed cover against a risk and therefore these parlours are operating in a financial services space" (Huma, 2014: 20). The study found that participants' choice of funeral parlours stems long before a death occurs, as most of the participants (75% of the service users) shared that they had funeral insurance with the funeral parlours that provided their services. The other 25% indicated that they did not have funeral parlours and they had to pay a cash price at the time of the death of a family member. When the service users were asked about how they paid for their funeral, they responded:

SU 1	"I had a funeral cover; I paid every month for the funeral policy. At the time of the funeral I did not pay for anything."
SU 2	"I had a funeral cover."
SU 3	"We were paying R200 every month."
SU4	"Our family paid cash for everything that we needed to have for the funeral."

Only one service user paid a cash amount for the funeral. The participant was asked to elaborate on the fees they had paid:

> SU 4: *"The funeral parlour charged us R34 500 for all the services and everything they were going to provide us with. We also had to pay R11 000 for the cow that was going to be used as a send-off for my brother. For groceries I cannot be sure how much was spent because the ladies in our home were in charge of that, but it was not less than*

> *R20 000 which also included the refreshments for attendees during the week when people came in to pay their respects at our home. There are other costs which were involved, but these were the main ones."*

The total amount they had to pay for basic funeral costs was R65 500. However, only R35 500 was paid to the funeral parlour. This amount was to cover all the funeral costs that they had incurred and all the funeral products they needed for the funeral service.

Figure 6: Number of participants with funeral insurance
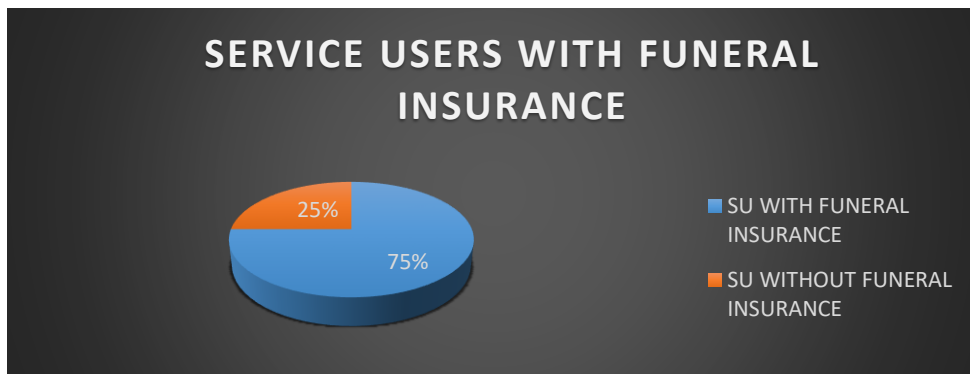
The study indicates that service users had been paying monthly premiums to the funeral parlours that rendered their funeral service. This presents evidence of malpractice on the part of the funeral parlours. The study found that only 50% of the funeral parlours sampled could legally collect premiums from their clients; however, the evidence from the service users indicated that the informal funeral parlours were unlawfully collecting premiums from their clients.

Table 4: Service users who paid for funeral insurance versus cash funerals

Funeral parlour	Service user	Payment method	FSB requirements
FP1	SU4	Cash funeral	FSB compliant. Does have an underwriter.
FP2	SU1	Monthly premiums	Not FSB compliant. Does not have an underwriter.
FP3	SU2	Monthly premiums	Not FSB compliant. Does not have an underwriter.
FP4	SU3	Monthly premiums	FSB compliant. Does have an underwriter.

The above shows that informal funeral parlours continue to collect premiums from clients without being fully compliant to the regulations as stipulated by the FSB, imposing risks to their clients who may not be aware of such regulations. For example, "We often find ourselves grappling to explain why funeral parlours need to be underwritten. It is so that they can be able to cover the risks, because even though some have a large client base and collect a lot of money, they are often unable to settle all the claims" Huma (2014: 20). Clients are left at risk of not receiving their full pay-outs and benefits at the time of death due to their premiums not being underwritten by licenced insurers.

The study found evidence of this form of malpractice, as 25% of the service users indicated that they did not receive what they had initially agreed on with the funeral parlour they had chosen. When asked if what they expected to receive from their funeral parlour after paying monthly premiums to their funeral parlour was delivered, SU1 responded:

> SU1 *"The funeral parlour delayed, when they were supposed to deliver my brother's body on Friday. We went to their mortuary at 10:00 in the morning and only went home around 16:00 in the afternoon. Even when we needed to do the death certificate at Home Affairs, they did a bad job. They signed the wrong person's name on the death certificate application form and we had to go back and forth between them and the Department of Home Affairs trying to rectify this. The person who was supposed to sign was not available. The programme they gave us had then wrong information and they said they had mixed it up with another family's programme, it was too late there was nothing we could do. And the worst part was that the catering had very little food, some of our guests left without getting even a plate and it was very embarrassing to our family."*

The above service user was dissatisfied with the service that the funeral parlour in question had rendered and this had come at a cost because they had paid cash to the funeral parlour, hoping that the funeral would be a success. The service user brought up the issue of having the incorrect information displayed on the death certificate registration forms. According to the DHA, only designated funeral directors are illegible to produce their particulars on the form DHA-1663 for deaths to be registered and for a certificate to be issued (Government Gazette No. 41970, 2018: 34). Supplying incorrect details led to the service user being turned away by the DHA and he could not register the death or obtain a death certificate.

This presents a different narrative on the formal funeral parlours perspective. Formal funeral parlours may have all the necessary requirements; however, the above illustrates that 25% of them still fail to satisfy service users' expectations when it comes to basic customer service. Having met the funeral parlour regulations and policies does not make formal funeral parlours immune to being at fault when it comes to providing what they would have initially promised their clients. This is substantiated by Bester et al. (2005: 71) in Chapter Two, who indicated that one funeral parlour went under causing a number of clients to lose their savings for prepaid funerals as well as insurance premiums paid.

Although formal and informal funeral parlours have the same objective, target the same clients and promise the same services, the faults and irregularities they present to their clients greatly affect the bereaved families in question. The failure of funeral parlours to fully implement policies and regulations presents risks and burdens to the most vulnerable, their consumers. Reporting platforms for such malpractices are not clearly communicated to the service user, hence such funeral parlours cannot be held accountable. Thus, unsuspecting clients are placed at risk, with no foreseeable recourse.

6.3 Summary

This chapter presented the findings elicited from participants through unstructured interviews. It presented and discussed the findings based on relevant literature. The funeral parlour participants were labelled as FP and the service users were labeled as SU to protect their identity. The data was collected and coded into themes that represent the data collected from the different participants. The findings were discussed under the themes: funeral parlour regulations and policies, with the subthemes being funeral insurance and funeral parlour mortuaries. This aspect was explored with a focus on how funeral parlour directors relate to the main regulations and policies of the funeral parlour industry. The second theme that was presented and discussed is the implementation of regulations and policies. This aspect explored how funeral parlours and the policy custodians have either complied or failed to comply with the implementation strategies of the funeral parlour industry as stipulated by the regulatory bodies. The study also presented the perceptions of the service users who were sampled in the current research study. This allowed the researcher to discuss the implications of the failure of funeral parlours to comply with the industry regulations.

CHAPTER SEVEN

RECOMMENDATIONS AND CONCLUSION

7.0 Introduction

In light of the policy implementation irregularities that have been found in the study, the researcher has deduced recommendations to improve the state of the funeral parlour industry in the Umbilo area, which could also be used in other municipal regions and across the industry. This chapter presents the recommendations made by the researcher as well as those of other policy implementation scholars. The chapter also contains the conclusion of the entire dissertation.

This study focuses on a critical analysis of regulations and policies that guide and regulate the funeral parlour industry in the Umbilo area. It reflects on the primary public policies that regulate this industry and how they are implemented. The study sought to understand the narratives of those affected by the funeral parlour policy implementation process. In doing so, this study has utilised the implementation theory to understand the research problem and to shape the research objectives and data analysis. The research findings were achieved through the use of a qualitative research approach to collect the data and narratives that were used to answer the study's key research questions. Through the research findings, the researcher has proposed a set of recommendations that would promote successful policy implementation within the funeral parlour industry.

7.1 Recommendations

Khan (2016: 09) asserts that to promote the success of a policy, the policy must have clear, specific and time-bound policy goals and objectives. Policies regulating the funeral parlour industry must be made widely available for all those who wish to enter this market. It would be advisable for such information to be made public in all policy publication platforms in a language that is understandable by the target group.

The industry is characterised by various policies and regulations; however, it is evident that there are funeral parlours with limited knowledge with respect to their roles in policy

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formulation, policy implementation and policy evaluation. There is a need for the participation of the target groups and beneficiaries in any policy design to ensure the ownership of the programme and prevent the programme from being sabotaged (Ajulor, 2018: 1513). This presents an opportunity for policy custodians to revise the policy-making process for the funeral industry in the eThekwini region. This calls for more engagement with all the funeral parlours, either formal or informal, and other stakeholders who will be involved in the policy-making process to create awareness around the goals, objectives, policy implementation and monitoring plans.

Successful policy implementation does not simply rely on policy custodians to implement policies, as there are external stakeholders who have a role to play in policy implementation. The government decides what will be done about perceived problems. Policy-making is a process of interaction among governmental and nongovernmental actors, and policy is the outcome of that interaction (Cahn, 2012: 199). Funeral parlours and funeral parlour associations are considered to be non-governmental policy actors. Hence, this shows the importance of involving all policy actors in the policy implementation process. Funeral parlours should be consulted by regulatory bodies for all policy formulation processes, in a language they understand and on platforms that funeral parlours are able to access. This will enable them to understand their role in the policy implementation process and their role in the success of the policy implementation process.

Another factor that can be observed as a contributing factor to the failure of policy implementation in the industry is the lack of financial capital for funeral parlour directors to acquire all that is needed of them to be recognised as formal funeral parlours. This research study found that the informal funeral parlours do not abide by the Financial Services Board (FSB) regulations because it is expensive to have a funeral policy underwriter. Instead, they would rather use the money collected on other business expenses. This is a manifestation of financial constraints on the side of informal funeral parlours, hence introducing a gap that the stakeholders such as eThekwini Municipality should identify and seek to mitigate.

Chamberlain, Bester and Hougaard (2009: 04) argue that, "high levels of informality are a concern for regulatory authorities and a frequent gripe of regulated industries arguing for level playing fields; while some regulatory approaches would like to clamp down on informal markets, these rarely offer a path for the formalisation of informal entities". Regulatory bodies should offer a helping hand to those informal entities who are willing to subscribe to the

relevant regulations and policies. The municipality should introduce financial grants or funding opportunities for funeral parlours that are already in operation to assist them with acquiring the formal funeral parlour status. Such funding opportunities should be open to all funeral parlours that would like to apply for the purchase of mortuary facilities and equipment. The funeral parlour industry should also be considered for funding opportunities just like other industries to enable them to have the prescribed requirements so that they can operate as formal funeral parlours.

Lastly, Ikechukwu and Chukwuemeka (2013: 66) assert that there is a need for a focused, accountable and purposeful political leadership at the top of government tiers (state government and local government). This is essential as it will allow for the development of realistic policies with clear goals and objectives, which are implementable. Such policies can be developed if the government has leadership that is aware of the funeral parlour industry, with knowledge of what the industry needs and willingness to learn new strategies that would enhance the funeral parlour policy implementation process. Government departments that have an overlapping duty to formulate policies for the funeral parlour industry, such as the Department of Home Affairs and Department of Health, should jointly develop these policies to prevent clashes in the implementation of funeral parlour regulations.

7.2 Summary

To conclude this research study, it is important to first highlight the rationale for undertaking this study and to further highlight key aspects found in each chapter. It is also important to note the key findings of this research study and the recommendations that were a result of the findings which emanated from the study.

The main objectives of this study were to firstly analyse the regulations and policies that govern the legal determents and business operations of formal and informal funeral parlours. Secondly, it was to analyse how public policies are being implemented by said service providers and policy custodians in the context of formal and informal funeral parlours. Thirdly, this study aimed at collecting the narratives of consumers affected by the lack of adherence to regulation and policies by private funeral parlours in doing business with their clients.

This study recommends that policies that guide the funeral parlour industry should have clear and precise goals and objectives which are discussed with all the stakeholders who are involved

in policy implementation from the beginning of the policy process, and this includes both the formal and informal funeral parlours. This study also recommends the need for government and the main policy custodians to conduct research on the funeral parlour industry and to deploy officials who are competent to steer policy implementation and policy monitoring in the direction intended for the success of policy implementation.

This concludes the research study, which aimed to analyse the public policies that guide the funeral parlour industry. The research conducted forms part of the body of literature on the funeral parlour industry, which can be used by other researchers who wish to study this phenomenon further. The contribution of this research will hopefully be a factor in the changes and improvements to be employed in future within the funeral parlour industry.

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Appendices

Appendix 1: Letter of Informed Consent

LETTER OF INFORMED CONSENT

Request for Participation in Research Study

To whom it may concern

I am Ntokozo Gumede, currently studying at UKZN (Howard College) towards a Master's Degree in Social Sciences (Public Policy). As part of my study I am required to conduct a research study on the critical analysis of public policies guiding the legal determents and business operations of formal and informal funeral parlours: the case study of Umbilo Funeral Parlours.

This study will focus on the regulation standards that guide the operation of the funeral parlour industry in the Umbilo business community. I would kindly like to ask for your participation in this research by being available for a 1hour interview. I would like to assure you that the information you will provide will only be used for this research study. You are not expected to disclose you name, surname, personal information and company information; and if you do, this information will be kept confidential. Please note that our interaction will be tape recorded.

The will be no direct benefit or incentive for participation, hence your participation will be voluntary, and should you wish to withdraw at any point you may do so and let me (researcher) know through the communication channels provided.

Your participation will be highly appreciated.

Yours Faithfully

Ntokozo Gumede

Email: 211542148@stu.ukzn.ac.za

Tel: 073 402 3858

Supervisor

Dr Lungile P Zondi

Email: ZondiL4@ukzn.ac.za

Tel: 071 606 5062

Appendix 2: Research Tools

Interview Questions for funeral parlours

Date: …………………..   Questionnaire number:
………………………

Interviewers name: ………………………………………………..

Interviewees name: ……………………………………………….

Company name: …………………………………………………….

Position held: …………………………………………………………

Address:
………………………………………………………………………………………………
……………………………………………

INTRODUCTIONS

Part 1: About the company

1. How old is your company?
2. Are the key shareholders
   Female ☐   Black   ☐
   Male   ☐   Indian   ☐
                                  White   ☐
                                  Colored ☐

3. What services do you offer? List and tick
   ☐Repatriation worldwide   ☐ Transport (Hearse)
   ☐Casket/Coffin   ☐ Lowering device
   ☐Death certificate   ☐ Storage of the deceased
   ☐Tombstones   ☐ Grave plot
   ☐Funeral plans   ☐ Embalming
   ☐Cremation   ☐ Artificial grass
   ☐Tents   ☐ Decorations
   ☐Catering services   ☐ Church trolley

   List any if not on the list.

4. What motivated you to start this business?

Part 2: About the industry

1. In your opinion what are the basic /minimum requirements needed in order to enter and operate in this business?

2. Which licenses did you obtain in order to start the business? (Tick as many as are applicable)

Company registration certificate   Certificate of competence
        FSB certificate   SARS
        Death registrar

3. Does your company meet all these requirements?
   a) If not, how do you continue to operate?
   b) What problems have you faced by not meeting the requirements?
4. What other policies do you have to follow to be compliant as a funeral parlour?
5. How have these policies been developed?
6. What role do funeral parlours play in the development of these policies?
7. What changes would you suggest for future policies that will regulate funeral parlours?

8. What are the challenges of having a funeral parlour in the Umbilo business community?

Interview Questions for Services Users

Date: …………………..   Questionnaire number: 01

Interviewers name:

Interviewees name:

Address:

INTRODUCTIONS

1. What is the name of the funeral parlour that assisted you when you lost a family member?
2. When did the deceased pass away?
3. What does a dignified funeral mean to you?
4. Do you have a funeral cover with the funeral parlour or did you pay cash?
5. How much did you pay for the funeral?
6. What services did you expect from the funeral parlour?
7. Did you receive all these services? If not, what problems did you encounter?
8. How was the quality of the service that you received from the funeral parlour?
9. How would you describe the working facilities of the funeral parlour that assisted you?
10. Would you recommend this funeral parlour to other members of your community? If not, Why?

Appendix 3: Ethical Clearance

UNIVERSITY OF ™
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INYUVESI
YAKWAZULU-NATALI

11 February 2019

Mrs Ntokozo Gumede 211542148
School of Social Sciences
Howard College Campus

Dear Mrs Gumede

Protocol reference number: HSS/2209/019M
Project title: A critical analysis of public policies guiding legal determents and business operations of formal and informal private public funeral parlours: The case study of Umbilo funeral parlours

Full Approval – Expedited Application

In response to your application received 7 December 2018, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL.**

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

....
Dr Shamila Naidoo (Deputy Chair)
Humanities & Social Sciences Research Ethics Committee

/pm

cc Supervisor: Dr Balungile Zondi
cc Academic Leader Research: Professor Maheshwri Naidu
cc School Administrator: Ms N Radebe

Humanities & Social Sciences Research Ethics Committee
Dr Rosemary Sibanda (Chair)
Westville Campus, Govan Mbeki Building
Postal Address: Private Bag X54001, Durban 4000
Telephone: +27 (0) 31 260 3587/8350/4557 Facsimile: +27 (0) 31 260 4609 Email: ximba@ukzn.ac.za / snymanm@ukzn.ac.za / mohunp@ukzn.ac.za
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