

**INFORMATION FORM FOR NOTIFYING OUT-OF-COURT BODIES
RESPONSIBLE FOR RESOLVING CONSUMER DISPUTES (Commission
Recommendation 98/257/EC)**

PARTICULARS OF THE BODY:

NATIONAL ASSOCIATION OF FUNERAL DIRECTORS

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The National Association of Funeral Directors is an independent Trade Association representing more than 1,500 funeral homes nationwide, suppliers to the profession and overseas Funeral Directors. The National Association of Funeral Directors' Code of Practice, with which all Funeral Business Members must comply, has been established for over 20 years. The NAFD publishes its Code of Practice and Rules of the Arbitration Scheme, in leaflet and electronic format.

The NAFD publishes an Annual Report providing details of the number and types of complaints received and outcomes, together with information on the compliance record of agreed outcomes.

STRUCTURE: The Association's Code of Practice requires members to deal with complaints promptly. If this fails, conciliation and arbitration are available through the Funeral Arbitration Scheme (FAS). The FAS is run by the Chartered Institute of Arbitrators on behalf of the NAFD.

POWERS: A complaint under the FAS must be made within twelve months of the date of the funeral. The Funeral Director is bound, as a condition of membership of the NAFD, to comply with a client's wishes to proceed to conciliation or arbitration under the scheme. Claims cannot be made where the amount claimed exceeds £10,000. Complainants need not be UK consumers. The Funeral Director may be subject to disciplinary action by the NAFD if it has clearly been shown that any infringement of the Code of Practice has occurred.

PROCEDURE: The FAS provides a simple procedure in three, easy to follow stages.

Stage One - Resolution with the Funeral Director: On receipt of a written complaint about a member of the NAFD, the Funeral Arbitration Scheme will seek a response from the business concerned. In the first instance, the family will be

encouraged to resolve the dispute directly with the funeral director, who is required by the Association's code of practice to have a senior representative within the business designated to deal with complaints.

Stage Two – Conciliation: If initial discussion between the client and funeral director fails to deliver a satisfactory outcome, the matter is referred in writing to a conciliator from the Chartered Institute of Arbitrators. Both parties submit statements and supporting evidence to the conciliator, who reviews the case and presents a report outlining a possible agreement. If the conciliator's report is accepted, the settlement terms are incorporated in a written agreement signed by both parties.

Stage Three – Independent Arbitration: If agreement is not reached within six weeks of the conciliator's appointment, the client may refer the dispute through the FAS to independent arbitration under the Chartered Institute of Arbitrator's Scheme, or seek redress through the courts. If the parties in dispute opt to use the FAS they will be asked to sign an application for arbitration which will be forwarded to the CI Arb. The case is normally conducted on a documents-only basis. Within 28 days of receipt of the arbitration claim form, the claimant shall send the completed form to the CI Arb, together with all supporting documents to prove the case. The Institute will send a copy of the claim documents to the other party who then has 28 days in which to submit a written defence. The Institute will send a copy of the defence documents, and any counterclaim, to the claimant, who is entitled to submit written comments within a further 14 days. The Arbitrator makes an award based on the documents and evidence submitted by the Parties in dispute. A copy of the Award is sent to the parties at the end of the case.

COSTS: Conciliation and arbitration service provided free to consumer. However, the arbitrator may award that the claimant shall reimburse the respondent's registration fee. The arbitrator may also order one party to pay any part of the other's costs where the former has acted unreasonably and caused the opposing party unnecessary expense. The Funeral Director or the complainant may seek a review of the decision by another Arbitrator but the person seeking review must pay a fee of £300 which is not refundable.

NATURE OF THE DECISION: The Recommendation made by the Conciliator is not legally binding, unless the parties wish to make it so. Any award made under the Arbitration Scheme is final and legally binding on all parties, subject to either parties right to seek a Review of the Award under the Review Procedure, and their rights to seek leave to appeal, on a point of law, in the courts. Unless otherwise directed, any amount awarded shall be paid within 21 days from the date the Award is issued.

ENFORCEMENT: When necessary, the Award is legally enforceable and may be enforced through the Courts in the same manner as a Court judgement.