

FUNERAL ARBITRATION

FAS[®]

SCHEME

Your right
to put it right



in conjunction with the
Chartered Institute of Arbitrators

What happens if I'm dissatisfied?

The first thing we can say to reassure you is that the vast majority of funerals are completed in a satisfactory manner, but on rare occasions situations can arise where a client may feel unfairly treated. This leaflet explains how the Funeral Arbitration Scheme can help to resolve such complaints.

Your Funeral Director, as a Member of the National Association of Funeral Directors (NAFD), is bound by the Terms of the National Association of Funeral Directors' Code of Practice and the Rules and Guidelines of the Association. The Code requires a very high level of service which clients should expect in their dealings with their Funeral Director. It also requires members of the NAFD to co-operate with the Funeral Arbitration Scheme.

A copy of the NAFD Code of Practice is available from your Funeral Director.

What's the first thing I should do?

You need have no concerns or embarrassment about raising any issues with your Funeral Director because one of the requirements of the NAFD Code of Practice is that a senior person within the firm is made responsible for handling any such complaints in a professional and objective way.

The Funeral Arbitration Scheme provides a simple procedure to resolve complaints. If a complaint cannot be resolved with your Funeral Director direct, conciliation and arbitration is available through the Funeral Arbitration Scheme.

How do I pursue a complaint?

A complaint under the Funeral Arbitration Scheme 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.

The Funeral Arbitration Scheme provides a simple procedure in three, easy to follow stages, through the Chartered Institute of Arbitrators which is an independent organisation offering conciliation and arbitration for the purpose of resolving disputes.

STAGE ONE

Resolution with the Funeral Director

- a) In the event of any complaint, you should first raise the issue with the Funeral Director.
- b) If you and the Funeral Director are unable to resolve matters, you should apply in writing to the Funeral Arbitration Scheme.
- c) On receipt of a complaint, the Funeral Arbitration Scheme will contact the Funeral Director concerned and will encourage the two parties to seek a resolution of the complaint.

STAGE TWO

Conciliation

- a) If, after 28 days from the date the Funeral Arbitration Scheme notified the Funeral Director of the complaint no resolution has been achieved by the two parties, you can request the Funeral Arbitration Scheme to refer the complaint for conciliation by the Chartered Institute of Arbitrators. If you wish you can go straight to arbitration at this point (see Stage Three).
- b) A conciliator will be appointed to deal with the specific case with a remit to make every effort to achieve conciliation between you and the Funeral Director. The conciliator will have no association or connections with the Funeral Director firm against which the complaint will be made. The appointment will be made by the Chartered Institute of Arbitrators.
- c) Each party will be requested to submit case statements and all relevant supporting evidence. These will be reviewed by the conciliator who may ask the parties for clarification of their cases, either in writing or at a meeting.
- d) The conciliator will work with the parties to try to find an agreed solution to the dispute. If the parties do not voluntarily reach an agreement in the first instance, then the conciliator may suggest some opportunities for settlement. If accepted by both parties, the conciliator will incorporate the settlement terms in a Confirmation of Outcome Statement to be signed by both parties. The Statement must be returned within seven days. If the parties do not settle the dispute may be referred to independent arbitration.

STAGE THREE

Arbitration

- a) If conciliation does not lead to a settlement of the complaint, you may refer the complaint to independent arbitration through the Funeral Arbitration Scheme or seek redress through the courts (a leaflet providing further information is available either from a County Court in England and Wales, or a Sheriff's Court in Scotland). Assuming the individual parties in dispute opt to use the Funeral Arbitration Scheme they will be asked to sign an application for arbitration which will be sent to the Chartered Institute of Arbitrators, together with a fee of £50.00 plus vat, which may be recoverable in the arbitration award.

Arbitration is conducted by an arbitrator, who is appointed on the basis of reputation, expertise, training and experience.

The decision of the arbitrator is final and binding on both the client and the Funeral Director.

- b) If the arbitrator finds against the Funeral Director, the arbitrator can award compensation. In addition, the Funeral Director may be subject to disciplinary action by the National Association of Funeral Directors if it has clearly been shown that any infringements of the Code of Practice have occurred.



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