

STAGE THREE

Arbitration

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 IDRS Ltd, together with a fee of £50.00 plus vat (payable by yourself) 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 firm.



Your right
to put it right



The Funeral Arbitration Scheme,
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Tel: 0121 711 1636 Fax: 0121 711 1351

*in conjunction with IDRS Ltd
a wholly owned subsidiary of 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.

The funeral firm, 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 the funeral firm.

What's the first thing I should do?

You need have no concerns or embarrassment about raising any issues with the funeral firm 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 the funeral firm 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 firm 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 Firm

- a) In the event of any complaint you should first raise the issue with the funeral firm.
- b) If you and the funeral firm 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 firm 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 has notified the funeral firm of the complaint no resolution has been achieved by the two parties, you can request the Funeral Arbitration Scheme to refer the complaint to IDRS Ltd for conciliation. If you wish, you can go straight to arbitration at this point the Funeral Arbitration Scheme will issue an application form, together with the Rules for arbitration. (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 firm. The appointment will be made by IDRS Ltd. The conciliator will have no association or connections with the funeral firm against which the complaint has been made.
- c) Each party will be requested to submit case statements together with all relevant supporting evidence. These will be reviewed by the conciliator who will speak to the parties by telephone and may request further information or explore possible solutions.
- d) If the parties do not reach a solution between themselves after discussions with the conciliator then he may suggest some opportunities for settlement. If a solution is found or is accepted by the parties as proposed by the conciliator, the conciliator will record that solution in writing and send it to the parties through the administrator (IDRS Ltd) in the form of a simple "Confirmation of Outcome" Statement, for signature. If the parties do not settle, the dispute may be referred to arbitration.