

APPENDIX 4.1
(referred to in paragraph 4.34)

NAFD: Code of Practice for funeral service

Funeral Directors provide a service of considerable importance to the relatives of the deceased. They make the arrangements for clients who may be in a vulnerable and emotional state. They must adopt the highest standards, both in assisting the client to choose a funeral, and in providing a reliable and dignified funeral according to the wishes of the client.

Several years ago, to foster good practice in the funeral service industry, the National Association of Funeral Directors drew up, in consultation with the Office of Fair Trading, a Code of Practice which was formally approved and recognised by the Office of Fair Trading.

At the Association's Annual General Meeting held in May 1994, the membership unanimously approved changes to the existing Code, demanding a stricter and more wide-ranging set of criteria to firmly establish the highest level of service to the general public.

Mr Trevor Hunnaball, President of the National Association of Funeral Directors states:

'As the organisation representing the funeral industry, we have a responsibility to maintain the highest level of service and care to the bereaved. Indeed, the last published Office of Fair Trading Report printed the statistical information that proved the National Association of Funeral Directors provide "the highest level of service satisfaction of all funeral directors". We are proud of our record, and in these days of high profile exposure from all sectors of the media, not only has the level of client satisfaction to be maintained, it has to be seen to be maintained, thus giving confidence to the general public who rightly expect and indeed demand, the highest standard of care, compassion and service'.

The Annual General Meeting of May 1994 was pleased to welcome **Mr John Humphreys** of the Office of Fair Trading who, during a session in which he gave indications of the views of the Office of Fair Trading on funeral service in general, was loudly applauded by the Annual General Meeting for his statement:

'... I have been struck by the dedication of the people I have met. Frankly I am not surprised at this, because I receive very few complaints about the quality of service delivery from funeral directors. You live up to the title of "funeral service", and you can be justly proud of that.'

The Code of Practice applies to all services provided by Funeral Directors, including the provision of flowers and the arranging of advertisements (but not the provision of gravestones). The Code is summarised in the Code of Practice Principles which members are required to display on their premises, and the procedures for client redress are included in detail.

NATIONAL ASSOCIATION OF FUNERAL DIRECTORS

CODE OF PRACTICE PRINCIPLES

As a condition of membership, Members of the National Association of Funeral Directors agree to comply with the principles and the details of this Code of Practice:

CODE OF PRACTICE PRINCIPLES

1. To observe strictly the confidence of every client at all times.

2. To observe at all times the basic rights of clients as consumers.
3. To render good service at all times and make fair charges in respect of services rendered and for merchandise supplied.
4. To ensure that advertising is always in good taste. No sensational, offensive or misleading advertising is permitted.
5. To provide clients with full and fair information about services. To have readily-available price lists covering the BASIC FUNERAL and all other types of coffins, caskets and services provided.
6. To display in the public area of premises, price lists which will show both the total price for the funeral service and the cost of the principal constituent items.
7. To give a written estimate of all funeral charges and disbursements to be made on a client's behalf together with written confirmation of the funeral arrangements in each and every case as soon as is practicable before the day of the funeral. No contractual agreement will have been entered into until this has been accepted by the client.
8. To provide all clients with an itemised account in a form readily comparable with the estimate.
9. To refrain from soliciting funeral orders or offering or giving any reward for recommendation to persons or organisations such as health service establishments, nursing homes or coroners' offices etc.
10. To display to the general public the Association's logo to demonstrate observance of this Code of Practice.
11. To co-operate at all times with Trading Standards Officers, Citizen Advice Bureaux, consumer support groups and any other body or organisation representing clients in the resolution of complaints or disputes.
12. To partake in, and abide by, the Conciliation, Arbitration and Disciplinary Procedures of the Association in the resolution of any complaints or disputes between a client and Funeral Director(s).
13. To abide by the decisions of the Disciplinary Committee of the Association in the resolution of any complaints arising from any disputes between a client and Funeral Director(s).

This Code and adherence hereto is monitored by the National Association of Funeral Directors. Correspondence should be addressed to:-

National Association of Funeral Directors
618 Warwick Road, Solihull,
West Midlands, B91 1AA

DETAILED WORKINGS OF THE CODE

GENERAL CONDUCT

1. The confidence of every client shall be strictly observed at all times.
2. Members shall always render good service, and make fair charges in respect of services rendered and merchandise supplied. They must never exploit a client in the difficult circumstances following a bereavement. They must at all times seek to provide the best possible service for charges made.

3. Members shall have an adequate level of professional indemnity insurance.

ADVERTISING

4. Advertising shall always be in good taste, No sensational, offensive or misleading advertising is permitted.
5. Advertising shall be clear and honest and high standards shall be maintained in accordance with the British Code of Advertising Practice published by the Advertising Standards Authority, Brook House, 2-16 Torrington Place, London, WC1E 7HN, to whom any complaints solely relating to advertising material should be referred.
6. Advertised prices must specify any special conditions relating to the offer made.

INFORMATION

7. The Funeral Director must have available price lists and shall provide clients with full and detailed information about their services. The Funeral Director must explain to the client the type of funerals available and their costs and relate these to the wishes and needs of the client. The Funeral Director must use every best endeavour to ensure that the client understands the range of services offered, the prices and also any known disbursements, being the fees paid out on behalf of a client to Doctors, Ministers of Religion, Cemetery or Crematorium fees and such like.
8. The Funeral Director will have readily available to all clients a basic funeral as specified in paragraph 13.
9. The Funeral Director shall have available a price list or lists showing:
 - a) A brief description of the basic funeral and its cost;
 - b) Descriptions of all other types of funerals available and their cost;
 - c) Itemised charges for the constituent parts of a funeral (with the exception of the basic funeral) - ie,
 - coffin or casket
 - vehicle charge
 - professional services
 - embalmingand all other services available.
10. The Funeral Director must take details of current price lists and make them available for the client's retention when visiting a client's home to make arrangements.
11. The Funeral Director will display in the public area of the premises a copy of a current price list and shall also make available copies to be taken away by clients, upon request, in order to assist in choice and decisions. The price list will also be shown to any person authorised to monitor compliance with this Code.
12. The Funeral Director shall give guidance on any action to be taken by the client with regard to certification and registration of the death, on the availability of Government benefits, the general requirements of insurance companies and friendly societies.

BASIC FUNERAL

13. The specification for a basic funeral is as follows:
 - a) Provision of the Funeral Director's services.

- b) Attending to all of the necessary arrangements.
- c) Provision of the necessary staff.
- d) Provision of a coffin suitable for the purpose of cremation or of burial.
- e) Transfer of the deceased from the place of death (at least ten running miles allowed) in normal working hours.
- f) Care of the deceased prior to the funeral.
- g) Provision of a hearse to the nearest crematorium or cemetery.
- h) Burial may be specified as opposed to/instead of cremation where this is locally available.
- i) This specification excludes specifically the following services:-
 - 1) Embalming
 - 2) (i) Viewing of the deceased
 - (ii) Provision of a limousine and
 - (iii) Any fees or disbursements payable on the client's behalf.

ESTIMATES, CONFIRMATIONS AND INVOICES

- 14. a) A written, itemised, estimate of all funeral charges consistent with the price list and known disbursements to be made on the client's behalf, together with a written confirmation of the funeral arrangements shall be given in each and every case.
- b) No contractual arrangement will have been entered into until the details covered by paragraph 14(a) above have been accepted by the client.
- c) Disbursements may not always be known in advance of the funeral. In these circumstances they will not be precise although the Funeral Director shall give his best estimate of disbursement costs. Notwithstanding this, the disbursements required will be detailed and shown in the final account.
- 15. If the client amends the original instructions, the Funeral Director shall endeavour to inform the client of any possible changes to the original estimate.
- 16. Members shall always provide the client with a detailed account and, since an itemised estimate has been provided, an account may be submitted in a form showing separately the charges levied by the Funeral Director and the disbursements and the account may be less detailed if reference has been made to the itemised estimate.
- 17. Appropriate reductions should be allowed for services not required.

PROFESSIONAL CONDUCT

- 18. The choice of Funeral Director shall always be the prerogative of the family concerned. When two Funeral Directors are called at the same time to attend the case, both shall show a willingness to withdraw leaving the choice with the family. When a Funeral Director is called into a case of sudden or accidental death, by other than the family, the Funeral Director so called should offer, if the family desires, to resign the case to the family Funeral Director, who should remunerate the other Funeral Director for services rendered.
- 19. Members shall not solicit funeral orders nor employ any person to do so, nor shall they offer or give reward for recommendation.

PUBLICITY

- 20. Members will display on their premises the Code of Practice Principles and, so as to be visible from outside, the Association logo.

MONITORING

21. In sponsoring this Code, the Association will monitor the performance of its members through education, inspection, conciliation and arbitration. The Association will compile and publish an annual report detailing the complaints handled throughout the year.

COMPLAINTS

22. In sponsoring this Code, the Association provides a conciliation service and, through the Chartered Institute of Arbitrators, an independent arbitration service in an endeavour to resolve any dispute which may arise between members and clients.
23. The majority of funerals conducted by members of the Association are completed in a perfectly satisfactory manner. Situations do sometimes arise where a client may feel unfairly treated. In these circumstances the Code, which provides a simple procedure to resolve problems, requires members of the Association to participate in the Chartered Institute of Arbitrators' arbitration service, if the complainant wishes to have the complaint referred to the Chartered Institute of Arbitrators.

STEP ONE Resolution with the Funeral Director

STEP TWO Referral to the National Association of Funeral Directors' conciliation service..

STEP THREE Referral via the National Association of Funeral Directors to the Arbitration service of the Chartered Institute of Arbitrators

If conciliation fails, or is not pursued, the complainant may seek resolution of the complaint under the arbitration service of the Chartered Institute of Arbitrators (see Step Three below) or, of course, seek redress from the Sheriff or County Court.

(NOTE: A simple procedure for dealing with small claims is available in the County Court in England, Northern Ireland and Wales and the Sheriffs' Court in Scotland).

24. **STEP ONE Resolution with the Funeral Director.**

- a) In the event of any complaint the client should first raise it with the Funeral Director.
- b) Funeral Directors must ensure that all complaints are handled speedily, equitably and sympathetically.

25. **STEP TWO Referral to the conciliation service of the National Association of Funeral Directors.**

If the client and the Funeral Director are unable to resolve matters, the client may apply, in writing, to the National Association of Funeral Directors requesting that the matter be referred to the NAFD conciliation service.

A Conciliator with extensive experience in funeral service will be appointed to deal with the specific case with a remit to make every effort to achieve conciliation between complainant and Funeral Director. The Conciliation process is described in Appendix A.

26. **STEP THREE Referral to the Chartered Institute of Arbitrators.**

Should it not prove possible for the parties, aided by a Conciliator, to resolve the complaint satisfactorily, the complainant may either:

- a) Refer the complaint to the Chartered Institute of Arbitrators' arbitration service (see below)
- OR b) Seek redress from the County Court (in England, Northern Ireland and Wales) or the Sheriffs' Court (in Scotland). (A leaflet providing further information is available either from a County Court or Sheriffs' Court or from the National Association of Funeral Directors).

The Chartered Institute of Arbitrators is an independent organisation offering an arbitration scheme for the purpose of resolving disputes. The individual parties in the dispute will be asked to sign an application for arbitration which will be forwarded, with the registration fee to:

Chartered Institute of Arbitrators
24 Angel Gate
City Road
London
EC1V 2RS

The Funeral Director is bound, as a condition of membership, to comply with a client's wishes to proceed to arbitration under the scheme and, dependent on the Arbitrator's* findings on the case, may then be subject to disciplinary action by the National Association of Funeral Directors if it has been clearly shown that any infringement of this Code of Practice had occurred.

In order to keep costs of arbitration as low as possible, the arbitration procedure will rely on documentary evidence.

Guidance Notes on the arbitration scheme are available from the National Association of Funeral Directors.

*Arbitration is conducted by an Arbitrator in England, Northern Ireland and Wales and an Arbiter in Scotland, who is appointed on the basis of reputation, expertise, training and experience.

THE CONCILIATION PROCESS

The National Association of Funeral Directors strongly recommends parties in dispute to attempt to resolve their differences by the informal process of conciliation and the Association's conciliation service is established with the objective of enabling conciliation procedures to be pursued. It has been developed in close consultation with the Chartered Institute of Arbitrators as a stage in the whole sequence of a conciliation and arbitration scheme for consumer redress. Where a written complaint by a client to a Funeral Director has been rejected or where there has been no reply or where the parties have not been able to settle their dispute within four weeks of the date of the written complaint, the matter can be referred to conciliation at no cost to either party.

The Conciliation Process will be at the discretion of the Conciliator appointed from a panel of persons who have wide experience of funeral service and have been trained in the process of conciliation. The appointed Conciliator will have no association or connections with the Funeral Director firm against whom the complaint has been made. The appointment will be made by the independent Chairman of the Association's Disciplinary Committee.

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.

The Conciliator will provide both parties with a report which, together with the Conciliator's suggestions for a settlement, will form the basis of a possible agreement. If accepted by both parties, the Conciliator will incorporate the settlement terms in a written agreement to be signed by both parties.

If the parties do not settle the dispute within six weeks of the Conciliator's appointment, the dispute may be referred to arbitration.

If, in the course of the Conciliation Process, it appears to the Conciliator, that the Funeral Director against whom the complaint was lodged, might be guilty of an infringement of the Association's Code of Practice, the matter will be referred to the Association's Disciplinary Committee. However, this aspect of the report of the Conciliator shall remain confidential and shall not be released either to the complainant or the Funeral Director in the event that the complainant wishes to pursue the case through the arbitration procedures of the Chartered Institute of Arbitrators.

Only when the case has been resolved and the report of the Arbitrator forwarded to the two parties shall the Disciplinary Committee be notified of the outcome of the case.

THE DISCIPLINARY COMMITTEE

The Disciplinary Committee functions on an *ad hoc* basis according to the circumstances of the particular case(s) under review with the following Terms of Reference:

‘To adjudicate on matters relating to Members’ observance of, and compliance with, the Rules and Bye-Laws of the Association with special reference to the Code of Practice.

To adjudicate on intra-member disputes excepting those relating to advertising.

To publish an Annual Report on Members’ compliance with the Code of Practice.’

In addition to the Chairman, the Committee shall comprise:

One representative, appointed by the Chairman of the independent group interests listed below -
and

One Funeral Director appointed by the Executive Committee of the National Association of Funeral Directors.

The independent Chairman is responsible for convening meetings of the Committee whose membership will be drawn from independent representatives from the following areas:

- Citizens Advice Bureaux
- The Clergy
- Bereavement Counselling Organisations
- Trading Standards Offices
- Consumers’ Association and other Care or Support Organisations
- Past Presidents of the National Association of Funeral Directors having no pecuniary nor other interest in the case under review.

Source: NAFD.