



# Nation Association of Funeral Directors Resolve

## (NAFD Resolve)

### Adjudication Service

#### Summary of Service Rules

This Summary has been created to provide a quick reference guide for users of the Adjudication Service. It summarises the key rules in respect of the process and the scope of the Adjudication Service, giving a simple overview of the core principles.

However, whilst this Summary is based upon the Adjudication Service Rules, it is intended to act as guidance only. It is the Adjudication Service Rules that apply to cases. In the event of a conflict of information between the Adjudication Service Rules and this Summary, the Adjudication Service Rules will prevail.

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## 1. Introduction

- The Adjudication Service provides an independent way of resolving disputes between a member of the NAFD (“the Funeral Director”) and their Customers. This is done by way of an adjudication process. The Adjudication Service is free of charge to the Parties.
- The Customer can use the Adjudication Service if they have not been able to settle a dispute with the Funeral Director via the NAFD Resolve Conciliation Service or if the NAFD have directly referred the Customer to the Adjudication Service).

## 2. What the Adjudication Service covers

- The Adjudication Service can be used to resolve complaints about:
  - a bill, charge, payment, estimate or fee;
  - the handling of a family dispute;
  - the sale of a pre-paid funeral plan;
  - the servicing of a pre-paid funeral plan;
  - the condition of the Funeral Director’s premises or equipment;
  - the physical care of a deceased person;
  - the handling or care of cremated remains (ashes);
  - the general customer service received;
  - the way the Funeral Director dealt with a complaint;
  - the poor conduct of a member of the Funeral Director’s staff
- The Adjudication Service cannot consider complaints, or parts of complaints, which fall into one or more of the following categories:
  - applications made by someone who is not a ‘Customer’;
  - applications made against a Funeral Director that is not a member of the NAFD;
  - where the customer has not exhausted the NAFD Resolve Conciliation Service or has not been referred directly to the Adjudication Service by the NAFD;
  - applications received more than 20 working days from the date the Customer was referred to the Adjudication Service;
  - complaints about something the Adjudication Service does not cover;
  - applications where the total sum of money claimed is more than £10,000.00;
  - complaints that are more appropriately dealt with by a court, regulatory body, or other formal process;

- complaints that CEDR thinks are frivolous and/or vexatious;
- complaints that are the subject of either:
  - an existing, on-going application; or
  - a previous valid application that reached resolution;
- complaints that have been, or are, the subject of court proceedings or an alternative independent procedure for the determination of disputes;
- complaints about the fairness of the Funeral Director's general commercial practices and/or commercial decisions;
- complaints about:
  - damage to property, except when directly related to the services provided by the Funeral Director;
  - fraud or other criminal matters;
  - data protection;
  - personal injury (including illness or nervous shock, or their consequences);
  - discrimination;
- complaints that have been agreed by the parties to be settled;
- where the details of the complaint in the application differ from the details that were provided by the Customer when raising the complaint with the NAFD and/or when using the NAFD Resolve Conciliation Service;
- applications where the Customer has not requested any valid remedies;
- complaints that would seriously impair the effective operation of CEDR.

### **3. Applying to use the Adjudication Service**

- The Customer must send CEDR a completed application form.
- In their application, the Customer can request:
  - an apology;
  - a product or service;
  - some practical action to be taken by the Funeral Director;
  - something to be done about a bill, charge or fee
  - a payment of money, up to a maximum of £10,000.00.
- Their application should give details of:
  - the service(s) provided by the Funeral Director that the complaint is about;
  - the background to the complaint;

- the precise issues that are in dispute;
- the steps already taken to attempt to reach a resolution with the Funeral Director;
- the reasons for requesting the remedy or remedies asked for; and
- the reasons for the amount of any money requested, including any amount requested for distress and/or inconvenience.

#### 4. The Adjudication process

##### ➤ The Application

- CEDR will make an initial assessment within 15 working days as to whether or not an application meets the requirements of the Adjudication Service.
- Once accepted, the Funeral Director has 10 working days to take one of the following actions:
  - tell CEDR that one or more remedies, or an aspect of those remedies, requested cannot be directed by an adjudicator (initiating a “Remedy Review”); or
  - settle the complaint; or
  - object to the complaint being considered, as it’s outside the scope of the Adjudication Service; or
  - submit its response to the complaint.

##### ➤ Remedy Review

- To make a Remedy Review request, the Funeral Director must contact CEDR to explain why one or more remedies cannot be directed by an adjudicator.
- An adjudicator will decide whether or not they agree that that one or more remedies cannot be directed.
- If an adjudicator does not agree that one or more remedies requested cannot be directed by an adjudicator the complaint will continue.
- If an adjudicator agrees that one or more remedies cannot be directed by an adjudicator, CEDR will tell the Customer. The Customer will be given 10 working days to change their requested remedies if they wish to.

##### ➤ Settlements

- If the Funeral Director agrees to give the Customer all the remedies requested, the Funeral Director must tell CEDR – this is a “Settlement in Full”.

- When CEDR receives notification that a Settlement in Full has been reached, CEDR will close the complaint. The Funeral Director must provide the Customer with all these remedies within 20 working days.
- If the Customer believes that the settlement offered by the Funeral Director is not a Settlement in Full, the Customer must tell CEDR within 20 working days of the closure of the complaint. CEDR will then consider whether or not a Settlement in Full has been offered. If CEDR thinks that a Settlement in Full has been offered, the complaint will remain closed. If CEDR thinks that the settlement offered is not a Settlement in Full, the timeframe will be restarted for the Funeral Director to respond.
- If the Funeral Director reaches any other resolution with the Customer this is a “Negotiated Settlement”. When CEDR receives evidence of the Negotiated Settlement, CEDR will close the complaint. The Funeral Director must provide the Customer with all the agreed remedies within 20 working days.
- If the Customer feels that the Funeral Director has not fulfilled the Settlement in Full or Negotiated Settlement, they must tell CEDR. CEDR will then consider whether or not the settlement has been fulfilled. If CEDR thinks that the settlement has been fulfilled, the complaint will remain closed. If CEDR thinks that the settlement has not been fulfilled, it will re-open the complaint and give the Funeral Director five working days to either:
  - show that the remedies have been given; or
  - to object to the complaint being considered; or
  - to submit a response to the complaint.
- If the Funeral Director provides evidence showing that the settlement has been fulfilled, the complaint will be closed.

➤ **Objections**

- The Funeral Director can object to the complaint being within the scope of the Adjudication Service.
- An adjudicator will decide whether or not they agree that the Funeral Director has shown that part or all of the complaint falls outside the scope of the Adjudication Service.
- If an adjudicator does not agree that the Funeral Director has shown that any part of the complaint falls outside the scope of the Adjudication Service, the objection will be rejected and the complaint will remain active.
- If an adjudicator agrees that the Funeral Director has shown that part or all of the complaint falls outside the scope of the Adjudication Service, the objection will be upheld. If the objection is upheld, the Customer will be given 10 working days to provide reasons and/or further evidence as

to why part or all of the complaint falls within the scope of the Adjudication Service. An adjudicator will then consider this and make a final decision if the complaint can continue or not.

- The decision to withdraw the complaint from the Adjudication Service is final and cannot be reviewed or appealed.

➤ **The Response**

- When CEDR receives the Response, a copy of it will be sent to the Customer.
- If the Funeral Director does not submit a Response, the adjudicator will have the power to make a decision considering only the information provided by the Customer.
- The Customer has five working days from the date on which the Response is sent to them to provide any comments. The Customer does not have to provide comments. If the Customer does provide comments, those comments can only relate to points raised in the Response and must not introduce any new matters.
- CEDR will then appoint the adjudicator to decide the outcome of the complaint.

➤ **The Decision**

- The adjudicator will produce a “Decision”. The Decision will generally be issued within 10 working days of the adjudicator being appointed.
- The Decision will be sent to the Parties at the same time.
- The Customer then has 30 working days to tell CEDR whether they accept the Decision in full or reject it. Decisions cannot be accepted in part.
- If the Customer tells CEDR that they accept the Decision in full, the Decision will become binding on the Parties.
- If the Customer tells CEDR that they reject the Decision or do not accept the Decision in full, the Decision will not be binding on either of the Parties.
- The adjudicator’s Decision cannot be reviewed or appealed.

➤ **Compliance with the Decision**

- If the accepted Decision directs the Funeral Director to take any actions, the Funeral Director must take these actions within 20 working days.
- If the Customer feels that the Funeral Director has not complied with the Decision, the Customer must tell CEDR. The Customer must detail which of the remedies have not been provided. CEDR will then consider whether or not the Decision has been complied with. If CEDR thinks that the Decision has been complied with, the complaint will be closed. If CEDR thinks that the Decision

has not been complied with, CEDR will contact the Funeral Director to request that it complies within five working days.

## 5. Powers of the adjudicator

- An adjudicator has the power to do any of the following:
  - change any of the process time limits;
  - request further comments and/or evidence from the Parties;
  - proceed with the Adjudication even if either of the parties does not keep to the rules;
  - consult any relevant evidence not provided by either of the Parties;
  - take into account any evidence provided by either of the Parties that they consider relevant;
  - withdraw a complaint if the entirety of the complaint falls outside the scope of the Adjudication Service;
  - close a complaint if the Parties settle it before the Decision is made;
  - decide whether or not the Funeral Director has fulfilled a settlement;
  - decide whether or not the Funeral Director has complied with the Decision.
- If the adjudicator finds that the Customer's complaint succeeds in full or in part, they can direct the Funeral Director to:
  - provide an apology;
  - provide an available product or service;
  - take an action that they consider the Funeral Director can reasonably carry out;
  - do something about a bill, charge or fee;
  - pay the Customer a sum of money, up to a maximum of £10,000.00.