

NAFD RESOLVE

Independent Conciliation Service

Service Rules (January 2020 edition)

These Rules apply to application forms received by Centre for Effective Dispute Resolution (CEDR) on or after 13 January 2020 and should be read in conjunction with CEDR's 'Conciliation Guidance for Customers'.

If you require this document in an alternative format, please contact us for further details.

1 Introduction

- 1.1 The NAFD Resolve Independent Conciliation Service ("the Service") is part of the dispute resolution process that is set out in the National Association of Funeral Directors (NAFD) Code of Practice. It is an independent conciliation service designed to minimise costs and to encourage agreement between the parties. The Centre for Effective Dispute Resolution (CEDR), provides the Service as an informal and independent way of resolving disputes between Funeral Director Members of the National Association of Funeral Directors ("NAFD") that subscribe to the Service ("Funeral Directors") and their customers. The Service usually takes five to six weeks from receipt of the application by the administrator to the completion of the case.
- 1.2 Conciliation is a private and structured form of negotiation between the parties, assisted by a conciliator, who can propose a solution for the parties' consideration in order to reach agreement.
- 1.3 This procedure applies where disputing parties seek assistance on the matters in dispute from an independent conciliator appointed by CEDR. CEDR has the exclusive right to appoint a conciliator under these Rules.
- 1.4 The conciliator, who will be a qualified and accredited CEDR mediator, will work with

the parties to try to find an agreed solution to the dispute. If the parties do not voluntarily reach agreement in the first instance, then the conciliator will propose a solution to the parties in an attempt to help them resolve the dispute.

2 Making an application

- 2.1 An application under the Service must be made on the designated application form, available from the NAFD.

3 Appointment of a conciliator

- 3.1 Upon receipt of a properly completed application form, CEDR will appoint a conciliator and will inform the parties accordingly.

4 Procedure

- 4.1 The proceedings start when CEDR acknowledges receipt of the conciliation application form and informs the parties of the conciliator's details.
- 4.2 Following receipt of the application from the parties, the conciliator will seek to conclude the conciliation within 15 working days of his or her appointment.
- 4.3 The conciliator will speak to the parties by telephone or communicate in writing (including email) with the parties, either together or individually, to request further information or to explore possible solutions.
- 4.4 If the parties do not reach a solution between themselves after discussions with the conciliator, then he or she may suggest to the parties some opportunities for settlement.
- 4.5 If a solution is found, then the conciliator will record that solution in writing and send it to the parties (via CEDR) in the form of a Confirmation of Outcome Statement ("the Statement"). If the parties wish to accept the outcome as set out in the Statement, both parties must sign and return the Statement to CEDR within 10 working days. Upon receipt of both signed copies of the Statement, CEDR will advise the parties accordingly and they must then take action to comply with the agreed outcome.
- 4.6 If no solution is found, the conciliator will make a written recommendation and send it to the parties via the administrator as part of the Statement, for signature. If the

parties wish to accept the recommendation as set out in the Statement, they must sign and return the Statement to CEDR within 10 working days. Upon receipt of both signed copies of the Statement, CEDR will advise the parties accordingly and they must then take action to comply with the agreed outcome.

4.7 CEDR will provide a copy of the signed Statement to the parties and a copy to the NAFD (on a confidential basis) or confirm to the NAFD that the Statement was not returned.

4.8 If either party does not sign or return the Statement to CEDR within 10 working days, then the Statement has no effect and CEDR will write to the parties to conclude the conciliation. At the same time, CEDR will issue the customer with an application form for the NAFD Resolve Independent Adjudication Service. The customer may choose either to proceed to adjudication or to another forum for the resolution of the dispute, such as court. If the customer chooses to use the NAFD Resolve Independent Adjudication Service, then the application form must be submitted to CEDR within 20 working days from the date the form is sent by CEDR to the customer.

5 Costs

5.1 The use of the Service is free of charge to customers.

5.2 The NAFD is responsible for paying CEDR's fees.

5.3 The customer and the Funeral Director must pay their own costs of preparing their cases. By using CEDR, each party agrees not to take legal action against the other to recover such costs.

6 Confidentiality

6.1 The proceedings will be kept confidential except as required or permitted by these rules and the law.

6.2 CEDR will provide a copy of the Confirmation of Outcome Statement to NAFD for regulatory purposes.

6.3 CEDR may gather and retain details, in summary form, of individual cases and, while preserving the anonymity of the parties, may publish such summaries on its website

and to other conciliators as a resource in order to encourage consistency of practice under these Rules. CEDR may also publish statistical and outline information on such disputes whilst preserving the anonymity of parties.

7 General

- 7.1 CEDR will appoint a substitute conciliator if the conciliator originally appointed is unable to deal with the dispute for any reason. CEDR will inform the parties if such an appointment is made.
- 7.2 These Rules are subject to revision and amendment from time to time. The edition of the Rules in force at the time the application is made shall govern any conciliation under the Service.
- 7.3 Neither the conciliator nor CEDR shall be liable to any party for any act or omission in connection with the conciliation conducted under the Service.
- 7.4 If any party has a complaint about the procedure, or the conciliator, or a member of CEDR staff then the complaint should be made by following CEDR's complaints procedure, which is available on CEDR's website.
- 7.5 Any reference in these Rules to working days by definition excludes Saturdays, Sundays and bank/public holidays celebrated in England and Wales.