



# **SAIF Code of Practice 2022**

## **Client Version**

*19th March 2022*

## **SAIF Draft Code of Practice - Abridged**

### **19th March 2022**

The National Society of Allied and Independent Funeral Directors (SAIF) Code of Practice has been developed to encourage and assist those providing funeral services to deliver the highest standards of service and act in the best interests of bereaved families. It will also help bereaved families when choosing a funeral director to understand the minimum standards they should expect.

It is not a statutory code but does incorporate the requirements of the Scottish Government draft Code of Practice soon to become statutory and will apply to all funeral directors in Scotland. It also requires full compliance with the Competition and Markets Authority (CMA)'s Funerals Market Investigation Order 2021, made on the 16th June 2021.

#### **To whom does the Code apply?**

A 'Funeral Director' means a person whose business consists of, or includes the arrangement and conducting of, funerals for and on behalf of customer(s). (CMA Order June 2021).

A person whose business consists of, or includes the arrangement and conducting of funerals as set out at section 31 of the Certification of Death (Scotland) Act 2011 (Scottish Government draft Code of Practice).

It applies to all funeral directors as defined above who are members of SAIF and it is our expectation that other funeral directors will recognise its value and adopt the requirements as a positive step towards ensuring a quality level of service to all bereaved families throughout the UK.

In compliance with this code, funeral directors must have in place robust systems to ensure adherence to the strict rules. Risks to compliance should be identified through a system of monitoring and appropriate action should be taken to ensure full compliance.

All staff should be appropriately trained in their areas of responsibility and records of training must be maintained.

#### **How does the Code work?**

The Code is made up of strict rules, which funeral directors must follow, and suggestive procedures that, if adopted, may meet the service outcomes expected by their customers. The suggested good practice procedures are there as a guide and can be altered or substituted to reflect the needs of the customer and the facilities and services provided by the funeral director.

The Code is organised into the following sections and each section has at least one expected outcome. To meet the outcome the funeral director must comply with the strict rules and consider adopting the suggested good practice procedures.

1. Compliance with government legislation.
2. General conduct of a funeral director and suitability of staff.
3. Engagement of a funeral director and transfer of the deceased.
4. Engagement with the bereaved and planning of the funeral service.
5. Funeral director's premises and care of the deceased.
6. Delivery of the funeral.

7. Complaints.
8. Business continuity and managing risks.

For the full code please contact the Funeral Director or visit the SAIF Business Centre's website <https://saif.org.uk/>

## **1. COMPLIANCE WITH STATUTORY GOVERNMENT LEGISLATION**

### **Outcome**

**A funeral director will have a good understanding of all legislation relating to the funeral sector and the operation and management of a business in the UK. All such legislation will be complied with.**

#### *Strict rules*

- 1.1 All funeral directors must fully comply with the CMA Funerals Market Investigation Order 2021.
- 1.2 All funeral directors carrying out the activities of a funeral director in Scotland, regardless of where they are based, must fully comply with any Code of Practice or future regulation issued by the Scottish Parliament.
- 1.3 All funeral directors must fully comply with any future funeral legislation issued by a Parliament of the UK.
- 1.4 All funeral directors must comply with the Equalities Act 2010.
- 1.5 All funeral directors must comply with all health and safety legislation, be registered for the General Data Protection Regulations (GDPR) and all other legislation relating to the operation of a funeral business.
- 1.6 For any services arranged in a customer's home, the funeral director must allow a 14-day cooling off period in compliance with the Consumer Contracts (Information, Cancellations and Additional Changes) Regulation 2013. If the customer wishes to commence within the 14 days, a waiver must be signed.
- 1.7 All funeral directors must cooperate fully with any future government or industry regulators. They must inform them of any changes to their business and comply with any written orders or requirements made by them.

## **2. GENERAL CONDUCT OF A FUNERAL DIRECTOR AND SUITABILITY OF STAFF**

### **Outcome**

**Staff will be competent in all aspects of funeral work and the management of the business relevant to their role and responsibility. They should be able to demonstrate good people skills and operate the business in a legal and ethical way.**

#### *Strict rules*

- 2.1 Owners, directors and staff must be professional, respectful and diligent and appropriate staff must be experienced in the laws and procedures pertaining to the burial, cremation, transportation, all other legal methods for the disposal of the dead and all other associated services (e.g., embalming) offered to the public.
- 2.2 Funeral directors and staff must conduct themselves in a totally professional manner, and behave sensitively, with courtesy and complete dignity at all times. This includes complying with SAIF's social media policy for members (which can be found on the SAIF website).

- 2.3 A funeral director must act in the best interests of each customer by treating them with respect and consideration for their loss and at all times ensure the confidentiality of information obtained in relation to the customer.
- 2.4 A funeral director must not solicit or offer any inducement for instructions for funeral service or any associated services. Any donations or charitable works must be recorded as required by the CMA Funerals Market Investigation Order 2021.
- 2.5 A funeral director must display in a clear and prominent manner at each of its premises and on any websites or online channels the ultimate owner of the business.
- 2.6 All advertising should conform to the recognised British Codes of Practice, as set out by: The Advertising Standards Agency, The Committee of Advertising Practice, and the Office of Communications (Ofcom).

### **3. ENGAGEMENT OF A FUNERAL DIRECTOR AND TRANSFER OF THE DECEASED**

#### **Outcome**

**Sufficient information is recorded to identify the client or person giving instruction and the deceased prior to attending a location. Equipment is required to be adequate and in good order to perform the transfer. Staff will at all times behave in a respectful and dignified way towards those present.**

#### *Strict rules*

- 3.1 A funeral director at first contact must, whenever practicable, obtain and record the following minimum information:
  - 3.1.1 The full name, address and telephone number of the person making contact with the funeral director and their relationship to the deceased.
  - 3.1.2 Confirmation that the death has been confirmed by a medical professional.
  - 3.1.3 The full name and address of the deceased.
  - 3.1.4 The date of birth and age of the deceased, if known.
  - 3.1.5 The current location and address of the deceased, if different to the above address.

#### *Transfer of the deceased into the funeral director's care*

- 3.2 In the event that the funeral director has been contacted by someone other than the customer, the funeral director must make all reasonable enquiries to establish the identity and location of the customer at this stage, and to establish contact with the customer as soon as reasonably possible.
- 3.3 Before transferring the deceased into their care, a funeral director must ensure that:
  - 3.3.1 The equipment to be used is suitable, sufficient, and well maintained.
  - 3.3.2 The staff involved in the transfer of the deceased are trained to do so.
  - 3.3.3 The vehicle used to transfer the deceased must be specifically for that purpose, clean and well maintained.
  - 3.3.4 The deceased is treated with care and dignity.
  - 3.3.5 Consideration is given to any bereaved or other persons present.

3.3.6 Confirm the identity of the deceased.

3.3.7 Securely attach to the deceased a completed identity tag (e.g., to the wrist).

#### **4. ENGAGEMENT WITH THE BEREAVED AND PLANNING OF THE FUNERAL SERVICE**

##### **Outcome**

**The customer is made fully aware of their right to organise the funeral and is informed of all products, options, and full costs prior to entering any agreement for services. The customer should also be aware of the funeral director's terms and conditions regarding payment and any monies that must be paid in advance of the funeral.**

**The funeral director will ensure the customer is made aware of the law concerning who has the right to arrange a funeral. It is then for the customer to determine whether they have the legal right to instruct such arrangements.**

##### *Strict rules*

4.1 A funeral director must display the Standardised Price List and other information as defined by the CMA in a clear and prominent position in any window and within their premises and on any website or any online channels in a way required by the CMA in the Funerals Market Investigation Order 2021.

4.2 A funeral director must make available copies of all their price lists to take away on request from a member of the public.

4.3 A funeral director should test the plausibility that their customer is entitled to arrange the funeral, notwithstanding, the person arranging the funeral needs to be sure they are complying with legislation, that they have the legal right to arrange the funeral.

4.3.1 in Scotland the customer must be advised of the next of kin hierarchy as set out in the Burial and Cremation (Scotland) Act 2016 (section 65 for adults, section 66 for children). It is then for the customer or individual to determine whether they have the legal right to apply for the burial or cremation.

4.3.2 In England, Wales and Northern Ireland, the deceased's personal representatives (being the executors of their will, or the administrators of their estate under the intestacy rules) have the right to determine how and where a body should be disposed of – even if other members of the family object.

If a person dies leaving a valid will, then the executors of that will have the right to deal with the body. The executor(s)' powers derive from the will itself and not the grant of probate, meaning that the executor(s) can deal with the funeral arrangements even if they have not yet obtained a grant of probate.

If there is more than one executor and they disagree as to how the body should be dealt with, then none of them take precedence over the other(s). If an agreement cannot be reached, then an application can be made to court so that a judge can decide. It is recommended that in situations such as these, the executors seek independent legal advice.

It should also be noted that if the deceased left instructions in their will as to how their body should be disposed of, this is usually considered an expression of wishes and is not legally binding on the executors, although they should take these wishes into account.

If a person dies without a will then the person entitled to deal with the body is either the person appointed as the administrator on the grant of letters of administration, or if no administrator has yet been appointed, then the person(s) with the highest right to take out a grant of letters of administration in accordance with Section 46 of the Administration of Estates Act 1925 and rule 22.1 of the Non-Contentious Probate Rules 1987. If there is more than one person with the highest right, then they are all equally entitled to deal with the body. As above, if an agreement cannot be reached then an application can be made to court so that a Judge can decide. It is recommended that in situations such as these, that the parties seek independent legal advice.

If the deceased had no living relatives, then the householder in which the deceased died and/or the person with actual possession of the body has the right to dispose of it (usually a hospital or coroner). Otherwise in the absence of the above, Section 46 of the Public Health (Control of Disease) 1984 provides that it shall be the duty of the local authority.

- 4.4 To enable the customer to make an informed decision about the goods and services they would like, before the customer makes a decision the funeral director must:
  - 4.4.1 Establish if the deceased had left any funeral instructions.
  - 4.4.2 Establish if the deceased had pre-paid for their funeral.
  - 4.4.3 Ask the family what funeral wishes they may have decided upon, thus far and advise on suitable options to enable the customer to arrive at an informed decision.
  - 4.4.4 Offer the range of products and services that are suitable to the needs and requirements of the customer.
- 4.5 Once the customer has made a decision about the goods and services they would like, the funeral director must:
  - 4.5.1 Provide a written or electronic confirmation of the funeral arrangements and a written or electronic itemised estimate of all funeral charges, including third party fees (disbursements) where known.
  - 4.5.2. Provide the customer with a written or electronic itemised final invoice that is comparable with the estimate provided.
- 4.6 All changes from the estimate to the final invoice must be clearly described, prior notified and agreed to by the customer, and the funeral director must be able to account for any changes via an audit trail.
- 4.7 All estimates must detail and describe at least the elements of the CMA's Standardised Price List if selected by the customer: From (i) Taking care of all necessary legal and administrative arrangements; (ii) Collecting and transporting the deceased person from the place of death (normally within 15 miles of the funeral director's premises) into the funeral director's care; (iii) Care of the deceased person before the funeral in appropriate facilities; (iv) Providing a suitable coffin; (v) Viewing of the deceased person for family and friends, by appointment; (vi) At

a date and time the customer agrees with the funeral director, taking the deceased person direct to the agreed cemetery or crematorium.

- 4.8 Where only an approximate cost can be given, it must be made clear that this may vary. The 'confirmed' cost must be supplied to the customer as soon as possible.
- 4.9 A funeral director must make available their terms and conditions regarding payments of the account and any deposit required to be paid in advance.
- 4.10 All staff must conduct themselves in a courteous and professional manner in all dealings with customers, taking into account their religious and cultural needs and have due consideration for their possible vulnerability due to the bereavement.
- 4.11 Allow their customer time to consider all their options and costs before making any final decisions and entering into a formal contract for the funeral.

## **5.1 FUNERAL DIRECTOR'S PREMISES AND CARE OF THE DECEASED**

### **Outcome**

**The customer must know where the deceased is being cared for at all times and they also must know if the funeral director is engaging services outside of their own for this care. Premises must be fit for purpose and the condition of the deceased monitored frequently.**

#### *Strict rules*

- 5.1 The customer must be told the location(s) at which the deceased will be cared for/kept.
- 5.2 Where the funeral director is using the services of another business or organisation, or any third party, to provide refrigeration or offsite care of the deceased, there must be a written service level agreement (SLA), and this should be available to the customer if requested.
- 5. A funeral director using the services of another business or organisation must make the customer aware of this, the name and location of the other business or organisation and allow inspection of the service level agreement.
- 5.4 All care of the deceased must take place in a location(s) specifically chosen for that purpose and the funeral director must ensure that their care facility or mortuary is fit for purpose. This requires:
  - 5.4.1 That the premises are lockable and accessible by authorised persons only.
  - 5.4.2 That the premises are clean, well maintained and regularly inspected to ensure high standards of cleanliness.
  - 5.4.3 The location of, and access to and from, the building is suitable for the designated purpose.
  - 5.4.4 That the funeral director has access to equipment that can accommodate all body types and care services offered by the funeral director, and this equipment must be well maintained.
  - 5.4.5 Have on their premises or have access to (via a service level agreement with a third party), clean and appropriate refrigeration facilities to store the deceased in their care.

*(Refrigeration facilities controlled by and for the sole use of the funeral director is compulsory for members in SAIF Scotland).*

## 5.2 PREPARING THE DECEASED

### Outcome

**The deceased at all times is prepared according to the customer's instructions. In the absence of specific instruction all deceased are prepared to the minimum standards expected by SAIF, a copy of which can be obtained from SAIF Business Centre.**

### *Strict rules*

- 5.2.1 When requested, the funeral director must describe their services and any customer's requests for preparing the deceased in a way that is sensitive to the customer, to ensure that the customer has an understanding of how the deceased will be cared for by the funeral director.
- 5.2.2 Where it is possible to do so, preparation of the deceased must take place in every case, unless the customer has specifically requested that such preparation does not take place. Where any preparation has not taken place, the funeral director must have a record of the reason/s for this.
- 5.2.3 Where a funeral director provides embalming services, they must provide clear information to the customer about embalming to allow the customer to make an informed decision about whether or not to instruct embalming. The funeral director must obtain the customer's informed and written permission before embalming can take place.
- 5.2.4 In some exceptional circumstances it may be necessary for the funeral director to perform an emergency invasive procedure with the intent of preserving the condition of the deceased. In the event the funeral director is unable to contact the customer, the funeral director must keep a log of telephone calls, emails, or other messages to contact the customer and explain the circumstances thereafter why such actions were deemed necessary.

## 5.3 VIEWING OF THE DECEASED

### Outcome

**Customers are allowed the opportunity to pay their respects to the deceased in private and in keeping with their religious beliefs or customs.**

### *Strict rules*

- 5.3.1 Check the deceased for identity and condition before allowing the customer or others to enter the viewing area.
- 5.3.2 Offer or be able to facilitate viewing of the deceased to the customer as a service.
- 5.3.3 Viewing areas must be fit for purpose, private, clean, regularly inspected and well maintained.
- 5.3.4 A funeral director must comply with any instructions regarding viewing such as if the coffin is to be open or closed and who can be allowed access to viewing.

## 6.1 DELIVERY OF THE FUNERAL

### Outcome

**The funeral ceremony and cortege proceed according to all legal requirements and to any instruction of the customer. Following a cremation, the cremated remains (ashes) are treated according to the customer's instructions and afforded the same respect and care given to the deceased prior to the cremation.**

### *Strict rules*

6.1 A funeral director must ensure that the funeral proceeds in accordance with the legalities required for the burial or cremation of deceased persons and follow the explicit instructions of their customer including:

- 6.1.1 Making, when instructed to do so by the customer, bookings of the requested venues, church, celebrant, etc.
- 6.1.2 Ensuring that the customer has completed the required statutory forms and that these forms are sent to the appropriate statutory authorities in good time.
- 6.1.3 Keeping and updating records and documentation and ensuring that the customer's requests for goods and services are recorded accurately, including any changes made.
- 6.1.4 Ensuring that the deceased is presented in accordance with the wishes and instructions of the customer. Managing donations appropriately, transparently and as requested by the customer. All funeral directors must have a policy in place for managing donations which is understood/known by staff and is readily accessible to the customer.

6.2 The funeral director must have a written ashes management policy in place. This must set out the business practices and policy for the management of ashes. The funeral director must ensure the careful and appropriate storage, handling, recording and dignified management of ashes. All records relating to ashes must be kept by the funeral director.

6.3 A funeral director is legally required to deliver the ashes to the person who made the application for the cremation. They must only give them to another person if they have written permission from the applicant to do so and any changes are to be confirmed in writing by the client to the funeral director.

6.4 In the event of the closure of a funeral office, appropriate arrangements must be made for the transfer of any stored ashes and records to a safe location.

6.5 In the event of this occurring, the funeral director must attempt to contact and inform the person who made the application for cremation and who is legally entitled to take ownership of the ashes, of the details of the new location.

## 7.0 COMPLAINTS

### Outcome

**Customers are informed of and are provided with a copy of a complaints procedure at the time of making funeral arrangements.**

### *Strict rules*

- 7.1 A funeral director must have in place a written complaints procedure that is available to the customer upon request. In the event of a complaint, the procedure must be followed. The procedure should include:
  - 7.1.1 Advice for the customer on how to make a formal complaint.
  - 7.1.2 The funeral director's procedures for dealing with a complaint and timescales for a response.
  - 7.1.3 A requirement that any complaint resolution or answer will be provided in writing to the customer.
  - 7.1.4 Members of SAIF must include an option for the customer to refer the complaint to: The National Society of Allied & Independent Funeral Directors (SAIF) if the complainant is dissatisfied with the response from the funeral director. This is covered by The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015; Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015.
  - 7.1.5 In Scotland where a complaint relates to the care of the deceased, the funeral director must inform the Government's inspectors within 48 hours.
- 7.2 In the event of a complaint made against the funeral director, the customer may:
  - 7.2.1 Raise a complaint with the funeral director directly. The funeral director should genuinely attempt to seek a resolution in a reasonable amount of time.
  - 7.2.2 Raise a complaint with a trade association to which the funeral director belongs, if applicable.
  - 7.2.3 In Scotland a customer may raise a complaint with the Scottish Government Inspectors for Burial, Cremation and Funeral Directors.
- 7.3 Members of SAIF must inform the SAIF Business Centre of any complaints involving either the Inspector of Burial, Cremation and Funeral Directors in Scotland and/or the CMA immediately they become aware of any such complaint.

## **8.0 BUSINESS CONTINUITY AND MANAGING RISKS**

### **Outcome**

**A business owner or operator must ensure the continuance of their own business activities in relation to all funeral services agreed with the customer.**

### *Strict rule*

- 8.1 The business owner or operator must prepare and maintain a contingency plan which contains provisions about:
  - 8.1.1 Dealing with any unexpected increase in the number of deaths.
  - 8.1.2 Contingency arrangements for any unexpected disruption to, or loss of services.

*National Society of Allied & Independent Funeral Directors (SAIF)*

*[www.saif.org.uk](http://www.saif.org.uk)*