



# Funeral Director Code and Indicative Behaviours

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# Funeral Director Code and Indicative Behaviours

## Code principles

**This Code is founded on the following eleven mandatory principles. Any failure to operate in accordance with these principles will constitute a breach of this Code.**

### Funeral businesses must:

1. act in the best interests of each client, and prospective client;
2. provide the best possible level of care to bereaved people, keeping in mind the specific needs of each client and family;
3. respect and maintain the dignity of deceased people in your care at all times;
4. act transparently, with honesty and integrity;
5. provide clients will full and fair information about services, products and associated prices;
6. behave in a way that promotes and maintains public trust in their business, the funeral directing profession and related industries;
7. comply with all legal and regulatory obligations and deal with their regulators in an open, timely and cooperative manner;
8. run their business effectively and in accordance with proper governance and sound risk management principles;
9. run their business in a way that encourages equality of opportunity and respect for diversity;
10. run their business in a way that encourages a culture that values and welcomes both negative and positive feedback as a way of putting things right and continuously improving service; and
11. conduct appropriate due diligence in relation to all third-party contractual relationships that have the potential to negatively impact clients.

## Part One – Caring for your clients

O(1.1) You treat your clients and prospective clients fairly, with respect and dignity, keeping in mind that some will be vulnerable

- IB(1.5). After taking instructions, you promptly provide your client with a clear printed or written itemised estimate that clearly states why each charge has been included;
- IB(1.6). Any estimates you provide state clearly which costs are attributable to you and which costs will be paid to a third party on the client's behalf. Third parties are named wherever possible;
- IB(1.8). You provide clients with a written itemised final account that is comparable with the written estimate provided. Any changes from the estimate to the final bill are clearly described;
- IB(1.13). You clearly explain any limitations or conditions on what you can do for the client, for example, because of the terms of a pre-paid funeral plan;
- IB(1.14). In taking instructions and during the course of your interactions with your client, you have proper regard to your client's mental capacity or other vulnerability, such as vulnerability due to bereavement;
- IB(1.15). You clearly explain your fees to your client;

- IB(1.16). You explain in advance about any other payments for which the client may be responsible;
- IB(1.17). You discuss how the client will pay, including whether state financial support may be available;
- IB(1.18). You provide information in a clear and accessible form which is appropriate to the needs and circumstances of the client;
- IB(1.19). You ensure that disbursements included in your bill reflect the actual amount spent or to be spent on behalf of the client.

O(1.2) You have the resources, skills and procedures to carry out any instructions you accept.

- IB(1.12). You take time to understand and agree the level of service your client requires;
- IB(1.13). You clearly explain any limitations or conditions on what you can do for the client, for example, because of the terms of a pre-paid funeral plan.

O(1.3) the service you provide to clients is competent, delivered in a timely manner and takes into account each clients needs and circumstances

- IB(1.4). You make your client aware of the full range of price options available in relation to each major purchasing decision;
- IB(1.12). You take time to understand and agree the level of service your client requires;
- IB(1.13). You clearly explain any limitations or conditions on what you can do for the client, for example, because of the terms of a pre-paid funeral plan;
- IB(1.14). In taking instructions and during the course of your interactions with your client, you have proper regard to your client's mental capacity or other vulnerability, such as vulnerability due to bereavement;
- IB(1.17). You discuss how the client will pay, including whether state financial support may be available;
- IB(1.18). You provide information in a clear and accessible form which is appropriate to the needs and circumstances of the client;
- IB(1.24). In relation to cremation funerals, if you take instructions from someone other than the cremation applicant you make it clear that you may not be able to release the ashes/cremated remains to them without the applicant's consent.

O(1.4) You give your clients and prospective clients sufficient information to allow them to make informed decisions about the services they need and the options available to them

- IB(1.1). Your full pricing information is made available in a predominant position on your business website;
- IB(1.2). If you do not have a business website, your full pricing information is made available on Funeral Directory. This should include information about the price or pricing options of any necessary disbursements;
- IB(1.3). Any funeral service packages offered are described clearly, with each component part being listed separately on your itemised price list so that any discount applied to the package can be easily identified;
- IB(1.4). You make your client aware of the full range of price options available in relation to each major purchasing decision;

- IB.(1.7). Your estimates and other confirmation documents can be easily taken away if the client requires some time to compare the options available to them;
- IB(1.9). You actively encourage your client to go away and take some time to make a purchasing decision before agreeing to a particular level of service;
- IB(1.10). You encourage your client to discuss their purchasing decisions with friends and family before entering into a contractual agreement with you;
- IB(1.11). You enable clients to make final purchasing decisions away from your funeral home, either online, via telephone or using specialist software;
- IB(1.13). You clearly explain any limitations or conditions on what you can do for the client, for example, because of the terms of a pre-paid funeral plan;
- IB(1.14). In taking instructions and during the course of your interactions with your client, you have proper regard to your client's mental capacity or other vulnerability, such as vulnerability due to bereavement;
- IB(1.15). You clearly explain your fees to your client;
- IB(1.16). You explain in advance about any other payments for which the client may be responsible;
- IB(1.17). You discuss how the client will pay, including whether state financial support may be available; and
- IB(1.18). You provide information in a clear and accessible form which is appropriate to the needs and circumstances of the client.

O(1.5) Your full pricing information (including an explanation of third-party costs) is made available clearly at both your funeral home(s) and, where you have a website, online

- IB(1.1). Your full pricing information is made available in a predominant position on your business website;
- IB(1.2). If you do not have a business website, your full pricing information must be made available on Funeral Directory. This should include information about the price or pricing options of any necessary disbursements; and
- IB(1.3). Any funeral service packages offered are described clearly, with each component part being listed separately on your itemised price list so that any discount applied to the package can be easily identified.

O(1.6) Your clients receive full and clear information, both the time of engagement and when appropriate as their matter progresses, about the likely overall cost of their matter

- IB(1.3). Any funeral service packages offered are described clearly, with each component part being listed separately on your itemised price list so that any discount applied to the package can be easily identified;
- IB(1.4). You make your client aware of the full range of price options available in relation to each major purchasing decision;
- IB(1.5). After taking instructions, you promptly provide your client with a clear printed or written itemised estimate that clearly states why each charge has been included;
- IB(1.6). Estimates you provide state clearly which costs are attributable to you and which costs will be paid to a third party on the client's behalf. Third parties are named wherever possible;
- IB.(1.7). Your estimates and other confirmation documents can be easily taken away if the client requires some time to compare the options available to them;

- IB(1.8). You provide clients with a written itemised final account that is comparable with the written estimate provided. Any changes from the estimate to the final bill are clearly described;
- IB(1.13). You clearly explain any limitations or conditions on what you can do for the client, for example, because of the terms of a pre-paid funeral plan;
- IB(1.15). You clearly explain your fees to your client;
- IB(1.16). You explain in advance about any other payments for which the client may be responsible;
- IB(1.17). You discuss how the client will pay, including whether state financial support may be available; and
- IB(1.19). You ensure that disbursements included in your bill reflect the actual amount spent or to be spent on behalf of the client.

O(1.7) Prospective clients are made aware that they are personally responsible for ensuring they are legally entitled to make the funeral arrangements

- IB(1.20). You only accept instructions from (or on behalf of) a single client in relation to each funeral;
- IB(1.21). When approached by more than one prospective client, you make clear that only one person can act as your client and explain the legal consequences of this;
- IB(1.22). You have a clear policy on taking instructions from a third-party (e.g. a family member) on behalf of your client;
- IB(1.23). In relation to cremation funerals, if you take all practicable steps to ensure that you do not take instructions from someone other than the cremation applicant;
- IB(1.24). In relation to cremation funerals, if you take instructions from someone other than the cremation applicant you make clear that you may not be able to release the ashes/cremated remains to them without the applicant's consent.

O(1.8) You take all reasonable steps to avoid becoming embroiled in family disputes and conflict situations

- IB(1.20). You only accept instructions from (or on behalf of) a single client in relation to each funeral;
- IB(1.21). When approached by more than one prospective client, you make clear that only one person can act as your client and explain the legal consequences of this;
- IB(1.22). You have a clear policy on taking instructions from a third-party (e.g. a family member) on behalf of your client;
- IB(1.23). In relation to cremation funerals, if you take all practicable steps to ensure that you do not take instructions from someone other than the cremation applicant;
- IB(1.24). In relation to cremation funerals, if you take instructions from someone other than the cremation applicant you make clear that you may not be able to release the ashes/cremated remains to them without the applicant's consent.

O(1.9) The pricing information for your business on <https://funeral-directory.co.uk/> is complete and up to date.

O(1.10) The Funeral Director shall ensure that all donations are managed appropriately, transparently, securely and as requested by the client.

- IB(1.25) All Funeral Directors must have a policy in place for managing donations which is under-stood/known by staff and is readily accessible to the client.

## Part Two – Your operational facilities

O(2.1) You have access to suitable facilities and equipment to enable you to care for deceased people you take into your care

- IB(2.2). You carry out annual assessments of your refrigeration capacity requirements to help ensure you can make adequate provision for the year ahead;
- IB(2.3). You never take more deceased people into your care than you can accommodate in suitable refrigerated spaces; and
- IB(2.4) You have access to mortuary equipment that can accommodate a wide-range of body types.

O(2.2) Your mortuary facilities are secure and accessible to authorised persons only

- IB(2.5) You keep an up to date list of persons authorised to access you mortuary facilities; and
- IB(2.6) Entrances to areas in which deceased people are kept are lockable and kept locked when not in use by an authorised person.

O(2.3) You either have suitable refrigerated mortuary facilities or have access to suitable refrigerated mortuary facilities by virtue of an enforceable SLA with a third party

- IB(2.1). The refrigeration facilities you use are backed up by a secondary power source or temperature drop notification system and are kept between 4-7 degrees Celsius when in use;
- IB(2.2). You carry out annual assessments of your refrigeration capacity requirements to help ensure you can make adequate provision for the year ahead; and
- IB(2.4) You have access to mortuary equipment that can accommodate a wide-range of body types.

O(2.4) You have access to sufficient space to appropriately store every deceased person you take into your care

- IB(2.2). You carry out annual assessments of your refrigeration capacity requirements to help ensure you can make adequate provision for the year ahead; and
- IB(2.3). You never take more deceased people into your care than you can accommodate in suitable refrigerated spaces

O(2.5) Each deceased person must be stored appropriately and in a way that takes into account Health and Safety Executive (HSE) Guidance – Managing Infection Risks when Handling the Deceased: Guidance for the mortuary, post-mortem room and funeral premises, and during exhumation.

- IB(2.2). You carry out annual assessments of your refrigeration capacity requirements to help ensure you can make adequate provision for the year ahead;
- IB(2.3). You never take more deceased people into your care than you can accommodate in suitable refrigerated spaces; and
- IB(2.4) You have access to mortuary equipment that can accommodate a wide-range of body types.

O(2.6) The interior and exterior of all buildings and vehicles shall be clean, well maintained and appropriate for the provision of Funeral Services.

### Part Three – Caring for deceased people

O(3.1) You preserve the dignity of the deceased people in your care at all times.

- IB(3.8). You ensure all deceased people in your care are appropriately clothed or covered when not being actively cared for;
- IB(3.9). Where possible, you use a modesty cloth or other suitable covering to cover the genitalia and other sensitive body areas of deceased people when they are being actively cared for (e.g. during the embalming process);
- IB(3.10). You use an appropriate headblock to support the heads of all deceased people stored in your mortuary facility; and
- IB(3.11). You use a newly cleaned and disinfected tray for each deceased person you store in your mortuary facility.

O(3.2) Before taking a deceased person into your care you take all reasonable steps to establish, the identity of your contractual client, that your contractual client has authority to instruct you, that your contractual client has given consent for you to act, contact details for your contractual client and the identity of the deceased person.

- IB(3.1). At the point you are first contacted in relation to the death of an individual, you seek to establish and record the following minimum information: 1. full name of contact, 2. whether the death has been confirmed by a medical professional, 3. contact phone number for the contacting person, 4. address of the contacting person, 5. name and contact details for the client (if different), 6. full name of the deceased person, 7. address of the deceased person, 8. date of birth of the deceased person, 9. location of the deceased person.
- IB(3.2). Before taking a deceased person into your care you obtain signed authorisation or, in the case that the client is not present (e.g. out of hours collection from a care home or hospital), written acknowledgement of the transfer of the deceased person and your being asked to do so.

O(3.3) Your client is advised in advance if the deceased person they have entrusted into your care may be moved to an alternative premises for any purpose related to their care or at the request of the coroner. Where no such advice has been given, the client is always kept informed of the precise location of the deceased person they have entrusted into your care.



- IB(3.2). Before taking a deceased person into your care you obtain signed authorisation or, in the case that the client is not present (e.g. out of hours collection from a care home or hospital), written acknowledgement of the transfer of the deceased person and your being asked to do so.
- IB.(3.5) You have in place a cremated remains/ashes management policy that deals with: 1. procedures for recording individual ashes, 2. procedures for splitting of ashes including transfer of ashes from one container to the other, 3. a clear description of the options available to client e.g. scattering, interment, retention in an urn, 4. procedures for the transfer or release of ashes, including procedures for contacting clients and obtaining signatures for release, 5. procedures for reporting lost or damaged ashes to your client, trade body and any other regulator, 6. recording of the scattering or interment of ashes if undertaken by the funeral director, 7. the keeping of an audit trail of all actions taken with the ashes

O(3.4) You keep an accurate and comprehensive written or electronic record of all deceased persons who are brought into your care. This record must be sufficiently detailed to record all actions and activities carried out in relation to each deceased person. This record must be retained for a minimum of 5 years.

- IB(3.3). You keep an electronic or written log of the details of all deceased people and property you take into your care and ensure that this is backed up regularly;
- IB(3.4). You place a completed identity wrist tag, or other form of appropriate identification marker, upon each deceased person in your care;
- IB.(3.5) You have in place a cremated remains/ashes management policy that deals with: 1. procedures for recording individual ashes, 2. procedures for splitting of ashes including transfer of ashes from one container to the other, 3. a clear description of the options available to client e.g. scattering, interment, retention in an urn, 4. procedures for the transfer or release of ashes, including procedures for contacting clients and obtaining signatures for release, 5. procedures for reporting lost or damaged ashes to your client, trade body and any other regulator, 6. recording of the scattering or interment of ashes if undertaken by the funeral director, 7. the keeping of an audit trail of all actions taken with the ashes.
- IB(3.7). You carry out an assessment of the condition of each deceased person in your care at least once in every 24 hour period (this provision does not apply to cremated remains/ashes).

O(3.5) You have suitable systems in place to ensure all deceased people in your care can easily be identified by IFSO or any other internal inspector without any assistance from staff

- IB(3.3). You keep an electronic or written log of the details of all deceased people and property you take into your care and ensure that this is backed up regularly;
- IB(3.4). You place a completed identity wrist tag, or other form of appropriate identification marker, upon each deceased person in your care;
- IB(3.6). Any cremated remains/ashes in your care are stored securely, along with the relevant cremation certificate.

O(3.6) You have systems in place to ensure that any personal effects of deceased persons in your care are accurately recorded and securely stored

- IB(3.3). You keep an electronic or written log of the details of all deceased people and property you take into your care and ensure that this is backed up regularly.



O(3.7) You store all cremated remains/ashes in a designated locked, clean, dry and well maintained location

- IB(3.6). Any cremated remains/ashes in your care are stored securely, along with the relevant cremation certificate.

O(3.8) Those responsible for physically caring for the deceased people in your care are appropriately trained and competent to do so (see Part 6 of Code)

- IB(6.3). You and your/their staff keep a personal development record and take responsibility for your continued learning.
- IB (6.4). You require your/their staff to keep up to date with industry developments and devote time every month to their continued personal development.
- IB (6.5). You regularly review the training needs of your staff and invest in appropriate training and/or qualifications, relevant to the role undertaken.
- IB (6.6) Staff are members of a relevant trade association, for instance the British Institute of Embalmers (BIE.)
- IB (6.1) Staff or subcontractor adhere to a set of defined trade standards, such as the Funeral Celebrant Accord (Funeral Celebrancy Council)
- IB (6.2) Your complaint procedure includes the ability to complain about the services of a third party subcontractor.
- IB (6.7) You ensure DBS checks are carried out for all staff caring for deceased people, bereaved people and those with responsibility for ensuring compliance with legal and conduct obligations.
- IB (6.8) You have Service Level Agreements (SLA) in place for all third party contracted services, either customer based, service based, or multi-level as appropriate.

O(3.9) You seek to understand your client's preference in relation to first offices at the earliest opportunity

- IB (3.12) As a minimum you clean and wash the deceased, close the eyes and mouth and dress them
- IB (3.13) You maintain a written or electronic record as to the reason(s) why first offices were not carried out

O(3.10) Unless otherwise instructed by your client, first offices are always carried out on all deceased persons entrusted to your care, unless there is a good reason for not doing so;

- IB (3.14) You always obtain the client's informed and written consent before any invasive procedure takes place.
- IB (3.15) You maintain a written or electronic record of the reason(s) why the client's consent was not obtained

O(3.11). Subject to O(3.10) and O(3.12), you do not perform any invasive procedures on a deceased person without first obtaining your client's informed consent;

- IB (3.14) You always obtain the client's informed and written consent before any invasive procedure takes place.
- IB (3.15) You maintain a written or electronic record of the reason(s) why the client's consent was not obtained

O(3.12) In some exceptional circumstances it may be necessary to perform an emergency invasive procedure with the intent of preserving the deceased person. If there is insufficient time to seek the consent of your client in advance of any invasive procedure, a clear record of the circumstances and procedure carried out must be kept and made available to inspectors on request, and the client informed at the earliest opportunity.

- IB (3.15) You maintain a written or electronic record of the reason(s) why the client's consent was not obtained

O(3.13) Cremated remains/ashes are never withheld for the purposes of securing payment for goods or services.

## Part Four – Management of your business

O(4.1) You have clear an effective governance structure and reporting lines

- IB(4.5). You ensure every member of staff is informed in writing of the identity of their line manager.

O(4.2) You have effective systems and controls in place to achieve and comply with all the Principles rules and outcomes of this code

- IB(4.1). You actively monitor financial, operational and business continuity risks including complaints, credit risks, equipment/utility failures and damage to premises; and
- IB(4.2). You have in place contingency arrangements for the continuation of your business in the event of absences and emergencies, for example an influenza pandemic, with the minimum interruption to funeral services.

O(4.3) You identify, monitor and manage risks to compliance with all the principles, rules and outcomes of this Code, if applicable to you, and take steps to address issues identified.

- IB(4.1). You actively monitor financial, operational and business continuity risks including complaints, credit risks, equipment/utility failures and damage to premises;
- IB(4.2). You have in place contingency arrangements for the continuation of your business in the event of absences and emergencies, for example an influenza pandemic, with the minimum interruption to funeral services; and

- IB(4.3). You have a clear written whistle-blowing policy that encourages members of staff to come forward and voice concerns about suspected misconduct, illegal acts or serious non-compliance with this Code.

O(4.4) You comply with legislation applicable to your business including Health and Safety and Data Protection law

- IB(4.3). You have a clear written whistle-blowing policy that encourages members of staff to come forward and voice concerns about suspected misconduct, illegal acts or serious non-compliance with this Code;
- IB(4.6). You appoint and train members of staff to take responsibility for monitoring compliance with health and safety and data protection requirements.

O(4.5) You train individuals working in the business to maintain a level of competence appropriate to their work and level of responsibility

- IB(4.6). You appoint and train members of staff to take responsibility for monitoring compliance with health and safety and data protection requirements (also see Part 6 of the Code)

O(4.6) You have adequate and appropriate professional indemnity insurance cover for you, your practice and your employees

- IB(4.4). You regularly review your professional indemnity insurance to ensure that it remains adequate to meet a potential claim.

## Part Five – Publicity and the ethical procurement of business

O(5.1) Your publicity in relation to your business is accurate and not misleading, and is not likely to diminish public trust in the funeral directing profession and/or related services

- IB(5.1). Where you and another business jointly market services, the nature of the services provided by each business is clear.

O(5.2) Your publicity relating to charges is clearly expressed and identifies whether disbursements are included

### **Behaviour that indicates this provision is NOT being met could be as follows;**

- IB(5.5). Advertising an estimated service charge which is pitched at an unrealistically low level;
- IB(5.6). Advertising an estimated or fixed package fee without making it clear that additional charges may be payable, if that is the case.

O(5.3) You do not make unsolicited approaches in person by telephone or through a third party agent to members of the public in order to publicise your business (e.g. through selling funeral plans) or another business.

O(5.4) Clients are informed of any financial or other interest which an introducer has in referring the client to you

## Part Six – Training and professional development

O(6.1) Any staff or subcontractors responsible for caring for bereaved people are equipped with the skills and knowledge necessary to do this.

- IB(6.1) Staff or subcontractor adhere to a set of defined trade standards, such as the Funeral Celebrant Accord (Funeral Celebrancy Council)
- IB (6.2) Your complaint procedure includes the ability to complain about the services of a third party subcontractor.
- IB(6.3). You and your/their staff keep a personal development record and take responsibility for your continued learning.
- IB(6.4). You require your/their staff to keep up to date with industry developments and devote time every month to their continued personal development.
- IB(6.5). You regularly review the training needs of your staff and invest in appropriate training and/or qualifications, relevant to the role undertaken.
- IB (6.7) You ensure DBS checks are carried out for all staff caring for deceased people, bereaved people and those with responsibility for ensuring compliance with legal and conduct obligations.
- IB (6.8) You have Service Level Agreements (SLA) in place for all third party contracted services, either customer based, service based, or multi-level as appropriate.

O(6.2) Any staff or sub-contractors responsible for caring for deceased people are equipped with the skills and knowledge necessary to do this.

- IB(6.3). You and your/their staff keep a personal development record and take responsibility for your continued learning.
- IB(6.4). You require your/their staff to keep up to date with industry developments and devote time every month to their continued personal development.
- IB(6.5). You regularly review the training needs of your staff and invest in appropriate training and/or qualifications, relevant to the role undertaken.
- IB(6.6) Staff are members of a relevant trade association, for instance the British Institute of Embalmers (BIE.)
- IB (6.2) Your complaint procedure includes the ability to complain about the services of a third party subcontractor.
- IB (6.7) You ensure DBS checks are carried out for all staff caring for deceased people, bereaved people and those with responsibility for ensuring compliance with legal and conduct obligations.
- IB (6.8) You have Service Level Agreements (SLA) in place for all third party contracted services, either customer based, service based, or multi-level as appropriate.

O(6.3) Any staff responsible for ensuring compliance with legal and conduct obligations are equipped with the knowledge necessary to do this.

- IB(6.4). You require your staff to keep up to date with industry developments and devote time every month to their continued personal development; and

- IB(6.5). You regularly review the training needs of your staff and invest in appropriate training and/or qualifications, relevant to the role undertaken.
- IB (6.7) You ensure DBS checks are carried out for all staff caring for deceased people, bereaved people and those with responsibility for ensuring compliance with legal and conduct obligations.

## Part Seven – Equality and diversity

O(7.1) You and your staff do not discriminate unlawfully or victimise or harass anyone in the course of your professional dealings.

- IB(7.1). Having a written equality and diversity policy (which may be contained within one or more documents, including one or more policy documents, as appropriate) which is appropriate to the size of the firm and includes the following features: 1. a commitment to the principles of equality and diversity and legislative requirements, 2. a requirement that all employees and managers comply with the outcomes, 3. provisions to encompass your recruitment and interview processes, 4. details of how you will implement, monitor, evaluate and update the policy, 5. details of how you will ensure equality in relation to the treatment of employees, managers, clients and third parties instructed in connection with clients matters, 6. details of how complaints and disciplinary issues are to be dealt with, 7. details of the firm's arrangements for workforce diversity monitoring, 8. details of how the firm will communicate the policy to employees, managers and clients.
- IB(7.2). Providing employees and managers with training and information about complying with equality and diversity requirements; and
- IB(7.3). Monitoring and responding to issues identified by your policy and reviewing and updating your policy.

O(7.2) You provide services to clients in a way that respects diversity

- IB(7.1). Having a written equality and diversity policy (which may be contained within one or more documents, including one or more policy documents, as appropriate) which is appropriate to the size of the firm and includes the following features: 1. a commitment to the principles of equality and diversity and legislative requirements, 2. a requirement that all employees and managers comply with the outcomes, 3. provisions to encompass your recruitment and interview processes, 4. details of how you will implement, monitor, evaluate and update the policy, 5. details of how you will ensure equality in relation to the treatment of employees, managers, clients and third parties instructed in connection with clients matters, 6. details of how complaints and disciplinary issues are to be dealt with, 7. details of the firm's arrangements for workforce diversity monitoring, 8. details of how the firm will communicate the policy to employees, managers and clients.
- IB(7.2). Providing employees and managers with training and information about complying with equality and diversity requirements; and
- IB(7.3). Monitoring and responding to issues identified by your policy and reviewing and updating your policy.

O(7.3) You make reasonable adjustments to ensure that disabled clients, employees or managers are not placed at a substantial disadvantage compared to those who are not disabled and you do not pass on the costs of these adjustments to these disabled clients, employees or managers.

- IB(7.1). Having a written equality and diversity policy (which may be contained within one or more documents, including one or more policy documents, as appropriate) which is appropriate to the size of the firm and includes the following features:
  - 1. a commitment to the principles of equality and diversity and legislative requirements,
  - 2. a requirement that all employees and managers comply with the outcomes,
  - 3. provisions to encompass your recruitment and interview processes,
  - 4. details of how you will implement, monitor, evaluate and update the policy,
  - 5. details of how you will ensure equality in relation to the treatment of employees, managers, clients and third parties instructed in connection with clients matters,
  - 6. details of how complaints and disciplinary issues are to be dealt with,
  - 7. details of the firm's arrangements for workforce diversity monitoring,
  - 8. details of how the firm will communicate the policy to employees, managers and clients.
- IB(7.2). Providing employees and managers with training and information about complying with equality and diversity requirements; and
- IB(7.3). Monitoring and responding to issues identified by your policy and reviewing and updating your policy.

#### O(7.4) Complaints of discrimination are dealt with, promptly, fairly, openly and effectively

- IB(7.1). Having a written equality and diversity policy (which may be contained within one or more documents, including one or more policy documents, as appropriate) which is appropriate to the size of the firm and includes the following features:
  - 1. a commitment to the principles of equality and diversity and legislative requirements,
  - 2. a requirement that all employees and managers comply with the outcomes,
  - 3. provisions to encompass your recruitment and interview processes,
  - 4. details of how you will implement, monitor, evaluate and update the policy,
  - 5. details of how you will ensure equality in relation to the treatment of employees, managers, clients and third parties instructed in connection with clients matters,
  - 6. details of how complaints and disciplinary issues are to be dealt with,
  - 7. details of the firm's arrangements for workforce diversity monitoring,
  - 8. details of how the firm will communicate the policy to employees, managers and clients.
- IB(7.2). Providing employees and managers with training and information about complying with equality and diversity requirements; and
- IB(7.3). Monitoring and responding to issues identified by your policy and reviewing and updating your policy.

## Part Eight – Confidentiality and data protection

#### O(8.1) You comply with data protection obligations under the General Data Protection Order.

- IB(8.1). Your systems and controls for identifying risks to client confidentiality are appropriate to the size and complexity of your business;
- IB(8.2). You comply with the law in respect of your data protection obligations;
- IB(8.3). You only outsource services when you are satisfied that the provider has taken all appropriate steps to ensure that your clients' confidential information will be protected;
- IB (8.4) You have a clear General Data Protection Regulation (GDPR) compliance policy and make all clients aware of this; and



- IB(8.5). You specifically appoint a data protection compliance officer to monitor your compliance with the GDPR.

O(8.2) You keep the affairs of clients confidential unless disclosure is required or permitted by law or the client consents

- IB(8.1). Your systems and controls for identifying risks to confidentiality are appropriate to the size and complexity of your business;
- IB(8.2). You comply with the law in respect of your data protection obligations;
- IB(8.3). You only outsource services when you are satisfied that the provider has taken all appropriate steps to ensure that confidential information will be protected; and
- IB(8.4). You have a clear General Data Protection Regulation (GDPR) compliance policy and make all clients aware of this.

O(8.3) You keep the affairs of deceased people for whom you have cared confidential unless disclosure is required or permitted by law or the relevant client consent.

- IB(8.1). Your systems and controls for identifying risks to confidentiality are appropriate to the size and complexity of your business;
- IB(8.2). You comply with the law in respect of your data protection obligations;
- IB(8.3). You only outsource services when you are satisfied that the provider has taken all appropriate steps to ensure that confidential information will be protected;
- IB(8.4). You have a clear General Data Protection Regulation (GDPR) compliance policy and make all clients aware of this.

O(8.4) You have effective systems and controls in place to enable you to identify risks to client confidentiality and to mitigate those risks

- IB(8.1). Your systems and controls for identifying risks to client confidentiality are appropriate to the size and complexity of your business;
- IB(8.2). You comply with the law in respect of your data protection obligations;
- IB(8.4). You have a clear General Data Protection Regulation (GDPR) compliance policy and make all clients aware of this; and
- IB(8.5). You specifically appoint a data protection compliance officer to monitor your compliance with the GDPR.

## Part Nine – Complaint handling

- O(9.1) Clients are informed at the time of engagement of both their statutory rights and of their right to complain to the NAFD
- IB(9.1) You inform the client of their rights to complain, including their right to complain about services or invoicing.
- “IB(9.2). You have a written complaints procedure which:
  - 1. is brought to clients’ attention at the point of taking first instructions;
  - 2. is easy for clients to use and understand, allowing for complaints to be made by any reasonable means;



- 3. enables complaints to be dealt with promptly and fairly, with decisions based on a sufficient investigation of the circumstances;
- 4. does not involve any charges to clients for handling their complaints;"
- IB(9.3). In the event that someone makes a complaint, providing them with all necessary information concerning the handling of the complaint;
- IB(9.4). Clients are informed, both at the time of engagement and at the conclusion of your complaints procedure, of their right to complain to any trade body that you belong to, the time frame for doing so and full details of how to do this; and
- IB(9.5). If you are regulated by an external body, you inform clients that services you provide are monitored and regulated by the relevant organisation(s) and how this affects the protections available to them.

O(9.2) Clients are informed of your complaints procedure at the time of engagement; and are able to obtain a copy of your complaints procedure, at any point, upon request.

- "IB (9.2) You have a written complaints procedure which:
  - 1. is brought to clients' attention at the point of taking first instructions;
  - 2. is easy for clients to use and understand, allowing for complaints to be made by any reasonable means;
  - 3. enables complaints to be dealt with promptly and fairly, with decisions based on a sufficient investigation of the circumstances; and
  - 4. does not involve any charges to clients for handling their complaints;"
- IB(9.6). Your complaints procedure identifies a certified ADR body (for example NAFD Resolve) and includes a commitment to use that ADR body to resolve any client complaints that cannot be resolved locally.
- IB (6.2) Your complaint procedure includes the ability to complain about the services of a third party subcontractor

O(9.3) Client complaints are dealt with promptly, fairly, openly and effectively

- "IB (9.2) You have a written complaints procedure which:
  - 1. is brought to clients' attention at the point of taking first instructions;
  - 2. is easy for clients to use and understand, allowing for complaints to be made by any reasonable means;
  - 3. enables complaints to be dealt with promptly and fairly, with decisions based on a sufficient investigation of the circumstances; and
  - 4. does not involve any charges to clients for handling their complaints;"
- IB(9.3). In the event that someone makes a complaint, providing them with all necessary information concerning the handling of the complaint;
- IB(9.4). Clients are informed, both at the time of engagement and at the conclusion of your complaints procedure, of their right to complain to any trade body that you belong to, the time frame for doing so and full details of how to do this; and
- IB(9.5). If you are regulated by an external body, you inform clients that services you provide are monitored and regulated by the relevant organisation(s) and how this affects the protections available to them.

O(9.4) If you cannot resolve a dispute with a client you provide them with the name and web address of a certified provider of alternative dispute resolution.

- IB(9.6). Your complaints procedure identifies a certified ADR body (NAFD Resolve) and includes a commitment to use that ADR body to resolve any client complaints that cannot be resolved locally.

## Part Ten – Working with your regulators

O(10.1) You notify the relevant regulators promptly of any material changes to relevant information about you including, the opening of a new branch or operational premises,, the closure of an existing branch, or operational premises any action taken against you by another regulator, including non-sector specific regulators such as the ISO and HSE and any serious failure to comply with or achieve the principles of this code

- IB(10.1). Reporting to your regulators any disciplinary action taken against you by another membership body or regulator;
- IB(10.2). Actively monitoring your achievement of the outcomes in order to improve standards and identify non-achievement of the outcomes.

O(10.2) You cooperate fully with your regulators at all times, including in relation to any investigation into you compliance with this code.

O(10.3) You comply with any written notice from your regulator and any independent organisation overseeing complaints against you

O(10.4) You cooperate with your regulators inspection and compliance monitoring processes and grant access to all areas of your business premises necessary for the carrying out of regular announced and unannounced inspections.

O(10.5) You cooperate with your regulators' self-reporting requirements and ensure that all information provided is full and accurate to the best of your knowledge.

# ifso



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