

CODE OF PRACTICE

TRUSTED TRADER



DERBYSHIRE
County Council



Third edition

CONTENTS

1	General administration of the scheme	page 4
2	Responsibilities of trading standards	page 5
3	General responsibilities of scheme members	page 6
4	Responsibilities of members relating to advertising the scheme and their business	page 8
5	Responsibilities of members in relation to customer care	page 9
6	Customer complaints procedures	page 11
7	Conciliation and mediation	page 11
8	Assessments for membership of the scheme	page 12
9	Refusal, suspension and revocation of membership	page 13
10	Appeals against refusal, suspension or revocation of membership	page 14
11	Monitoring, annual review and reporting	page 14
12	Membership fees	page 15

INTRODUCTION

The Trusted Trader scheme aims to build confidence in Derbyshire businesses by promoting high standards and excellent customer care.

By joining the scheme, you are making a positive commitment to trade legally and follow the good practice requirements in this code of practice.

Please take the time now to read the following booklet which will tell you everything you need to know about becoming one of our valued trusted traders.

There's information about entry requirements, your responsibilities as a trusted trader as well as what you'll get out of the scheme.

If there's anything you need to ask, don't hesitate to get in contact with a member of our team here at Derbyshire County Council – we'll be only too happy to help.

We look forward to working with you.

The Trusted Trader team.



The principles set out in this code of practice are not intended to interpret, qualify or replace the law of the land and are not intended to be applied to trader to trader sales (where, generally, the transaction will be covered by specific contractual conditions agreed between the parties).

DERBYSHIRE TRUSTED TRADER SCHEME CODE OF PRACTICE FOR MEMBERS

1 General administration of the scheme

- 1.1** Derbyshire County Council's trading standards service* will manage and administer the scheme. The service reserves the right to alter or amend the terms and conditions of the scheme at its discretion. Any changes will be notified to members as soon as reasonably practicable.
- 1.2** The scheme is for business-to-consumer trade, not business-to-business trade. It is permissible for a member to trade with both consumers and other businesses. If a prospective member is unable to demonstrate that they contract with consumers on a regular basis then they will not be admitted to the scheme.
- 1.3** Membership is available to businesses that are based in Derbyshire, or conduct a significant amount of their business in the county.
- 1.4** Membership is only open to businesses which have been trading in an unchanged capacity for six months or more, unless the trader can provide satisfactory details of previous trading history.
- 1.5** Members will have the option of withdrawing from the scheme at any time by giving written notice to trading standards.
- 1.6** Membership requires businesses to adhere to the terms and conditions laid out in this code of practice. Prior to becoming a member, applicants will be asked to read and sign a declaration to this effect.
- 1.7** If the business is a member of a trade association that has its own code of practice, the terms of that code must also be adhered to at all times.
- 1.8** All certificates and documentation provided by trading standards which indicate membership of the scheme remain the property of trading standards should membership of the scheme cease.

* From now on, we will use the term 'trading standards' to refer to Derbyshire County Council's trading standards service which runs the Derbyshire Trusted Trader scheme.

2 Responsibilities of trading standards

- 2.1** Trading standards will make available upon request a list of current member businesses.
- 2.2** Trading standards will maintain a publicly available website containing information about the scheme and will allow viewers to search for member businesses by trade sector and/or geographical area. Links will be provided to traders' own websites.
- 2.3** Posters and leaflets promoting the scheme will be on display in county libraries, council offices and other places of public interest.
- 2.4** Trading standards will undertake various promotional activities throughout the course of each year in order to raise awareness of the scheme.
- 2.5** Trading standards may offer relevant training to members at a cost and frequency left to its discretion. Attendance by members will be optional.
- 2.6** Trading standards will circulate information on current initiatives, events, promotional activity and changes in legislation. The frequency and means of communication will be at its discretion.
- 2.7** Trading standards will provide a membership certificate and branding materials which can be used on premises, vehicles, printed materials and in advertising as appropriate to the member's business. This material may only be used whilst a member of the scheme (see section 4).
- 2.8** Trading standards will maintain and administer a rating system for members' performance based on the feedback received from their customers or potential customers.
- 2.9** National guidance published by the Competition and Markets Authority in 2016 requires trading standards to publish all genuine, relevant and lawful feedback from customers; regardless of whether the comments are positive or negative. Full details of how customer feedback is dealt with are published on the Trusted Trader website
- 2.10** Trading standards will, on request, provide members with free business advice on relevant consumer protection issues in accordance with the limits set in the service's Business Advice policy.

3 General responsibilities of scheme members

3.1 All members are expected to comply with the conditions set out in this code of practice and, in particular, the spirit of those conditions. Larger businesses are required to have in place appropriate management controls, policies and procedures to comply with the code. Smaller businesses, e.g. sole traders, need to adopt the principles of good practice set out in this code. This is particularly the case in relation to controls (section 3.8); customer care (section 5) and customer complaints (section 6).

3.2 Members have a responsibility to trade legally and provide good customer service.

3.3 Members must notify trading standards of any of the following:

- Civil court judgements
- Convictions
- Current legal proceedings, and
- Current investigations by professional, trade or law enforcement organisations such as the Police.

Failure to disclose any of the above will affect membership of the scheme.

Convictions involving fraud or dishonesty against a 'controlling mind' of a business will preclude membership for five years from the date of conviction.

3.4 Members must have in place valid Public Liability Insurance (or appropriate indemnity insurance). Such insurance must be maintained at all times during the period of membership.

3.5 Members must not engage in 'cold calling' by visiting residential addresses. This requirement applies to the member business, its employees, agents and any sub-contractors. Members must not use any other form of high-pressure selling. It is always recommended good practice for traders, their employees or sub-contractors to show customers identification when first meeting them.

3.6 Members must ensure that their staff are aware of and understand the provisions in this code of practice and their legal obligations in respect of the business. Where appropriate, members should provide relevant staff training in the requirements of this code.

3.7 Management controls must exist to ensure that member businesses operate legally and, where appropriate, adhere to their set customer service procedures.

- 3.8** Members should explain to customers that they are able to give feedback to the scheme via a feedback card or online. Where a feedback card is provided to the customer, the member should encourage its completion and return to trading standards. Alternatively, the customer should be directed to the Trusted Trader website where they can give feedback online.
- 3.9** Subject to any verification deemed appropriate, feedback on the member's performance and an overall satisfaction rating will be published on the Trusted Trader website. Trading standards reserves the right not to publish feedback which is regarded as inappropriate in any way. Full details of how customer feedback is dealt with are published on the Trusted Trader website.
- 3.10** Members must be aware that national guidance on websites incorporating customer feedback requires all genuine, relevant and lawful feedback comments to be published; regardless of whether the comments are positive or negative.
- 3.11** In the interests of fairness, where a negative comment is received from a customer, the member concerned will be informed of the comment before its publication and asked if they want to submit a response. Any response must be submitted within 7 days and will be published in conjunction with the customer's comment. Responses which don't comply with our published rules on feedback will not be published. If no response is submitted, the customer's comment will be published in accordance with our feedback rules.
- 3.12** Current and prospective members must co-operate fully with their initial application check and any subsequent checks carried out by trading standards.
- 3.13** If there is a change in the nominated representative for the business, in its ownership or business status (e.g. changing from a sole trader to a limited company), the member must inform trading standards, which reserves the right to review membership of the scheme.
- 3.14** If there are changes or additions to any subcontractors identified by the member at the time of joining the scheme, such changes or additions must be notified to trading standards.
- 3.15** Any disclosures or changes required under this section of the code should be made as soon as reasonably practicable and without undue delay.

4 Responsibilities of members relating to advertising the scheme and their business

- 4.1** All members will receive a certificate of membership which must be displayed in a prominent position on their premises if there is public access. Customers should be made aware that they are dealing with a member of the scheme and have the opportunity to give feedback about a member's performance.
- 4.2** Members can use documentation and branding relating to the scheme in the following ways:
- a) On business documentation
 - b) On business premises
 - c) On business vehicles
 - d) On their website
 - e) In other advertising media
- 4.3** Derbyshire County Council retains copyright control of all branding and images relating to Trusted Trader.
- 4.4** Derbyshire County Council permits the use of branding only in accordance with the guidance notes which successful applicants receive in their membership pack.
- 4.5** On ending membership of the scheme, all Trusted Trader branding on business premises, businesses documentation and in any other form of advertising must be removed, destroyed or cancelled immediately. Failure to do so could constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008.
- 4.6** No publicity should be generated that implies any wider approval other than membership of the Trusted Trader scheme. In particular, members must not state or otherwise imply that they are 'approved' by trading standards.
- 4.7** Members undertake that all promotional material relating to their business shall be clear and truthful and will comply with any relevant national advertising code of practice and/or legislation.
- 4.8** Members undertake not to promote in any way the sale of alcohol, tobacco or other age-restricted items to underage persons.

5 Responsibilities of members in relation to customer care

- 5.1** Customers must not be deprived of their implied rights with regard to the description and quality of the goods sold and/or services provided.
- 5.2** In providing good customer care, members are expected to respond to all customer contacts and communicate effectively and courteously with clients. Specific examples of bad customer care include, failing to return telephone calls to customers or potential customers when promised, not responding promptly to queries and missing pre-arranged appointments without notifying the customer in advance.
- 5.3** Members must not treat customers in a discriminatory way and must comply with the provisions and ethos of the Equality Act 2010. Customers must be treated equally and in a polite and courteous manner, regardless of age, disability, HIV status, marital or civil partnership status, maternity or pregnancy, race, religion, sex, sexuality, sexual orientation, national origin or ethnicity. Members should discuss any particular customer requirements before the transaction takes place.
- 5.4** Members must not seek to take advantage of vulnerable customers and, where necessary and reasonably practical, will offer them additional assistance to ensure that all aspects of the transaction are fully understood.
- 5.5** For transactions in people's homes, members and their representatives should offer identification and introduce themselves to their customers. Prior agreement should be reached on practical arrangements acceptable to the customer, for example; the use of gas, electricity, water, toilet facilities, smoking, waste removal, home security and health and safety.
- 5.6** Members must provide clear and accurate information on key contract terms. Depending upon the nature and size of the contract, this should normally be in the form of a written quotation.
- 5.7** Where appropriate to the size and nature of the business, and where reasonably practicable, full written information concerning the contract should be provided on request.
- 5.8** It is advised that scheme members have mechanisms in place to protect customers' deposits and pre-payments and make them clear to customers.

- 5.9** Where appropriate to the size and nature of the business, easily accessible and user-friendly after-sales procedures should be in place to ensure customer requirements are dealt with effectively. Any charges must be clearly communicated to users. In certain instances trading standards may require such charges to be notified prior to purchase.
- 5.10** Completion/delivery dates should be as flexible as possible to accommodate customer need and should be agreed in advance. Where delays prove unavoidable, the customer should be given as much advance notice as possible. Where appropriate to the size and nature of the business, trading standards may require that such dates be communicated in writing.
- 5.11** Where appropriate, clear and accurate information must be given on cancellation rights, including any additional rights offered.
- 5.12** Where guarantees and/or warranties are included as standard in the transaction, clear and accurate details should be provided to the customer.
- 5.13** Where additional guarantees and/or warranties are offered it must be clear that these are optional and additional to customer rights. Clear and accurate information must be given, including details of who is responsible for the guarantee or warranty. There must be no high-pressure selling of guarantees and warranties.
- 5.14** All terms of the contract for any repairs and servicing work should be clear and precise. If any additional or different work is later considered necessary the customer should be notified and their permission obtained before such work is carried out, whether charged for or not.
- 5.15** All repairs and services must be provided with reasonable skill and care, for a reasonable charge and, unless specifically agreed with the customer, within a reasonable time.
- 5.16** Invoices should be clear and show exact details of work carried out and any parts charged for.
- 5.17** Members must comply with the Consumer Rights Act 2015. Advice on compliance will be provided by Trading Standards in accordance with their Business Advice policy.
- 5.18** Members must co-operate fully with any appropriate intermediary consulted by a customer, e.g. Citizens Advice Bureau, family member, law centre, independent assessor or recognised dispute resolution scheme.
- 5.19** In relation to this code of practice, members will be held responsible for the actions of all employees, sub-contractors or other parties working on behalf of their business.

6 Customer complaints procedures

- 6.1 Customers can decide to submit feedback for publication on the Trusted Trader website and / or make a formal complaint to trading standards. Website feedback is dealt with in accordance with National guidance published by the Competition and Markets Authority in 2016. Customer complaints will be assessed by trading standards staff and followed-up as necessary.
- 6.2 Where appropriate, members must have an effective customer complaints procedure, understood by all employees and/or sub-contractors that may come into contact with the public.
- 6.3 Any complaints must be dealt with promptly, effectively and courteously and in accordance with good business practice. The customer making the complaint must be informed of the trader's membership of the scheme.
- 6.4 If a customer complaint cannot be resolved between a member and the customer, the member will offer to refer the matter to trading standards for impartial advice.
- 6.5 If trading standards is made aware of a customer complaint, they will normally refer the complaint to the member concerned.
- 6.6 Members will co-operate with trading standards in any attempt to resolve any complaint.

CONCILIATION AND MEDIATION

7

7 Conciliation and intervention

- 7.1 If necessary, trading standards will offer civil advice to both parties.
- 7.2 Where trading standards is following up a complaint from a customer, members are required to co-operate fully with any reasonable request made by the trading standards officer attempting to resolve the complaint.
- 7.3 If a solution to a customer complaint cannot be found, trading standards will offer to intervene in order to reach an outcome which is acceptable to all parties.
- 7.4 Where a complaint cannot be resolved by intervention, trading standards may recommend arbitration through an appropriate route such as a trade association, recognised dispute resolution scheme or court action.

8 Assessments for membership of the scheme

- 8.1** In deciding whether an applicant is suitable for membership of the scheme, trading standards will carry out at least the following checks:
- a) Website of any trade association that the applicant claims membership of.
 - b) Companies House (limited and public limited companies only)
 - c) Registry of County Court judgements
 - d) An assessment of previous complaints made to Derbyshire County Council's trading standards concerning the applicant. This may involve seeking further information from any consumers concerned.
 - e) An assessment of previous complaints made to any consumer body concerning the applicant. This may involve trading standards service approaching complainants and/or the complainant's local trading standards service.
- 8.2** Trading standards reserves the right to carry out any appropriate checks to ensure that members of the scheme continue to satisfy this code of practice.
- 8.3** Members will be required to have suitable and current Public Liability Insurance, Professional Indemnity Insurance (if applicable). These documents will need to be submitted to trading standards as part of the application process. Members may need to provide current certificates or proof of renewal, to trading standards for each subsequent membership renewal.
- 8.4** Where information or documentation is requested by trading standards it should be provided within a reasonable time. As a guide, we would expect this to be within 14 days of the request being made.

9 Refusal, suspension and revocation of membership

- 9.1** Trading standards reserves the right to refuse membership to any applicant who it feels does not fully satisfy the criteria laid down in this code of practice or operates a business which supplies goods or services which conflict with the wider aims and objectives of Derbyshire County Council.
- 9.2** Trading standards reserves the right to suspend or revoke membership should there be:
- a) A significant breach of this code of practice.
 - b) Information supplied by another person or organisation, which casts doubt upon the suitability of any particular business to be a member.
 - c) A justified customer complaint, but for which no reasonable redress is offered by the trader.
 - d) A number of customer complaints, each of which may individually fall outside the scope of c) above, but which collectively indicate a failure to comply with the letter or spirit of this code of practice.
 - e) Abuse of the feedback system by repeatedly failing to provide customers with the opportunity to provide feedback or falsely influencing the feedback provided for the member in question or for any other member of the scheme.
- 9.3** Without prejudice to paragraph 3.3 of this code of practice, trading standards may decide to suspend membership until such time as a full investigation can be concluded. It may also suspend membership in order to monitor whether a particular business remains suitable for inclusion within the scheme.
- 9.4** Where membership is suspended or revoked or an application is refused, trading standards will provide the member with a written explanation of the reasons for its action.
- 9.5** Membership will not be suspended or revoked for reasons other than those specified in sections 9.2 and 9.3 of this code of practice.
- 9.6** As an alternative to suspension or revocation of membership, trading standards reserves the right, when considered appropriate, to implement other disciplinary measures (for example, a written warning which may influence future disciplinary decisions).
- 9.7** Any sanction imposed on any scheme member will be made accessible to consumers by the most appropriate method trading standards deems necessary.
- 9.8** Trading standards reserves the right to publicise the removal of traders from the scheme where appropriate.
-

10 Appeals against refusal, suspension or revocation of membership

- 10.1 An appeals procedure exists and members wishing to take advantage of this should write to Derbyshire Trusted Trader Appeals, Derbyshire County Council, Trading Standards, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire, DE4 3FW.
- 10.2 Appeals will be assessed by the head of trading standards, or that person's nominated officer.

11 MONITORING, ANNUAL REVIEW AND REPORTING

11 Monitoring, annual review and reporting

- 11.1 Trading standards will carry out an annual review of each member under the scheme based on the criteria given at 8 above. This will require the co-operation of scheme members in displaying and distributing feedback forms to their customers. Evaluation of member satisfaction with the scheme will also be undertaken by trading standards from time to time as part of the review process.
- 11.2 The frequency of the review mentioned at 11.1 can be varied at the discretion of trading standards.
- 11.2 Monitoring processes will be clearly communicated to scheme members, and made accessible to consumers by trading standards.
- 11.3 Trading standards will document the findings of reviews and any subsequent actions taken.
- 11.4 Members of the scheme may be subject to random inspection and checks to ensure that the requirements of the scheme continue to be met.

12 Membership fees

- 12.1 The fees will be subject to annual review.
- 12.2 Where application for membership is unsuccessful the application fee will not be refunded.
- 12.3 Derbyshire County Council may introduce or amend any fees or charges pertaining to this scheme on giving members three months written notice.
- 12.4 Where membership is suspended or withdrawn, there will be no refund of any membership fees paid.
- 12.5 Should the scheme be suspended or terminated, no reimbursement will be made in respect of advertising material or documentation.

Alternative versions

This publication can be made available in other formats, such as Braille, on computer disk or in large print, and in some other languages on request from:

Call Derbyshire 01629 533190

Email contactcentre@derbyshire.gov.uk

Text 86555

This publication is also available on the county council's website at www.derbyshire.gov.uk/trustedtrader



Telephone: Call Derbyshire 01629 533190

Email: trusted.trader@derbyshire.gov.uk

Web: www.derbyshire.gov.uk/trustedtrader