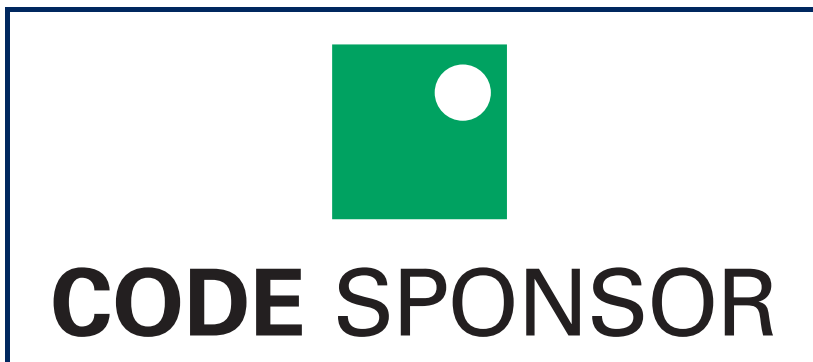


Consumer Codes Approval Scheme

Guidance for consumer advisers



HOW YOU CAN HELP

This leaflet provides guidance on what you should consider when dealing with complaints relating to a business that has signed up to a consumer code of practice or is in a sector to which the Office of Fair Trading's (OFT) Consumer Codes Approval Scheme (CCAS) applies. It describes the CCAS and explains what your role could be in this scheme.

Your feedback channelled through your advisory body, is very important to the consultation process. In particular, feedback on the following:

Typical problems consumers experience within a particular sector and whether these could/should be addressed by a consumer code. The issues you identify do not need to be related to the members of a specific code: we are interested in issues that relate to the entire sector.

HOW WELL THE CODE IS PERFORMING

If there is poor performance this may need to be brought to the attention of the relevant code sponsor.

The OFT does not deal with individual complaints, this is because we may not be able to disclose this information to other parties. However, we are interested in the wider issues when considering granting approval to a code or maintaining existing approval.

A BRIEF EXPLANATION OF CCAS

Under the Enterprise Act 2002, the Office of Fair Trading (OFT) has set up a scheme to formally approve and promote voluntary business-to-consumer codes of practice which set higher standards of customer service and are operated by such bodies as trade associations, local authorities and trading standards departments. Under the CCAS organisations which operate consumer codes of practice are known as code sponsors

Before gaining OFT approval, codes must meet challenging 'core criteria' such as:

- ensuring consumers are provided with clear and helpful pre-contractual information and fair contracts
- accurate delivery/completion dates
- a user-friendly complaints-handling procedure which includes access to an independent redress scheme.

Further details of the core criteria can be found on the OFT website at www.of.gov.uk/Business/Codes/publications.

The codes website will be available to consumers as and when the OFT approvals take place. This will enable consumers to find the members of an approved code.

THE APPLICATION PROCESS

The CCAS has a two stage application process. At Stage One, code sponsors submit their codes for OFT approval with a commitment that the code meets the core criteria. At Stage Two, the evidence gathering stage, code sponsors must demonstrate that their codes are being effectively implemented. Once a code is approved sponsors of Approved codes and their members can display the OFT approved code logo. An awareness campaign will also be run to promote the code to consumers.

The OFT will continually monitor the code's performance.

WHICH SECTORS ARE COVERED?

The sectors covered by the scheme can be found on OFT's website at www.oft.gov.uk/Codes. As the OFT extends the scheme to a sector, the relevant code sponsors within it will be invited to apply.

ADVISORY BODIES' INVOLVEMENT

One of the core criteria requires a code to include measures aimed at removing or easing consumer concerns and undesirable trade practices within the particular business sector. Advisory bodies are well placed to identify such issues. Even if the issues have been raised elsewhere, the broader perspective of advisory bodies is valuable.

WHEN INPUT FROM ADVISORY BODIES IS REQUIRED AND WHAT IS EXPECTED?

During Stage One of the application process, advisory bodies provide practical advice on specific sectoral problems and areas of consumer detriment that could be addressed by the code.

During Stage Two of the application process and following OFT approval, advisory bodies will provide feedback to code sponsors on the code's effectiveness in dealing with key consumer issues and concerns.

WHAT IS NOT EXPECTED FROM ADVISORY BODIES?

It is not necessary for advisory bodies to provide the following:

- Point by point commentary on each element of the sponsor's code information on individual complaints against businesses which subscribe to a code
- Input into the drafting of the code
- Advice on the quality of applications
- Endorsement of the sponsor's code

HOW WILL INPUT FROM ADVISORY BODIES BE REQUESTED AND PROCESSED?

At Stage One the OFT will inform relevant advisory bodies when an application has been made and forward the appropriate documentation (subject to any applicable restrictions on disclosure of information). Advisory bodies will feedback the sectoral issues to the OFT who will in turn advise code sponsors on the issues raised. Code sponsors then have to consider if they can be addressed by the code. If they believe the code cannot address the issues raised, they have to give convincing reasons why.

All Stage One requests for input from advisory bodies should come through the OFT's formal consultation process. If a request comes direct to an advisory body from a code sponsor we suggest the advisory body refers them to the OFT.

At Stage Two consultation will take place between code sponsors and advisory bodies (those consulted at Stage One). Code sponsors will be responsible for ensuring this takes place. This feedback, together with OFT's own monitoring, will be vital in assessing code performance.

QUESTIONS TO CONSIDER WHEN DEALING WITH CONSUMER COMPLAINTS

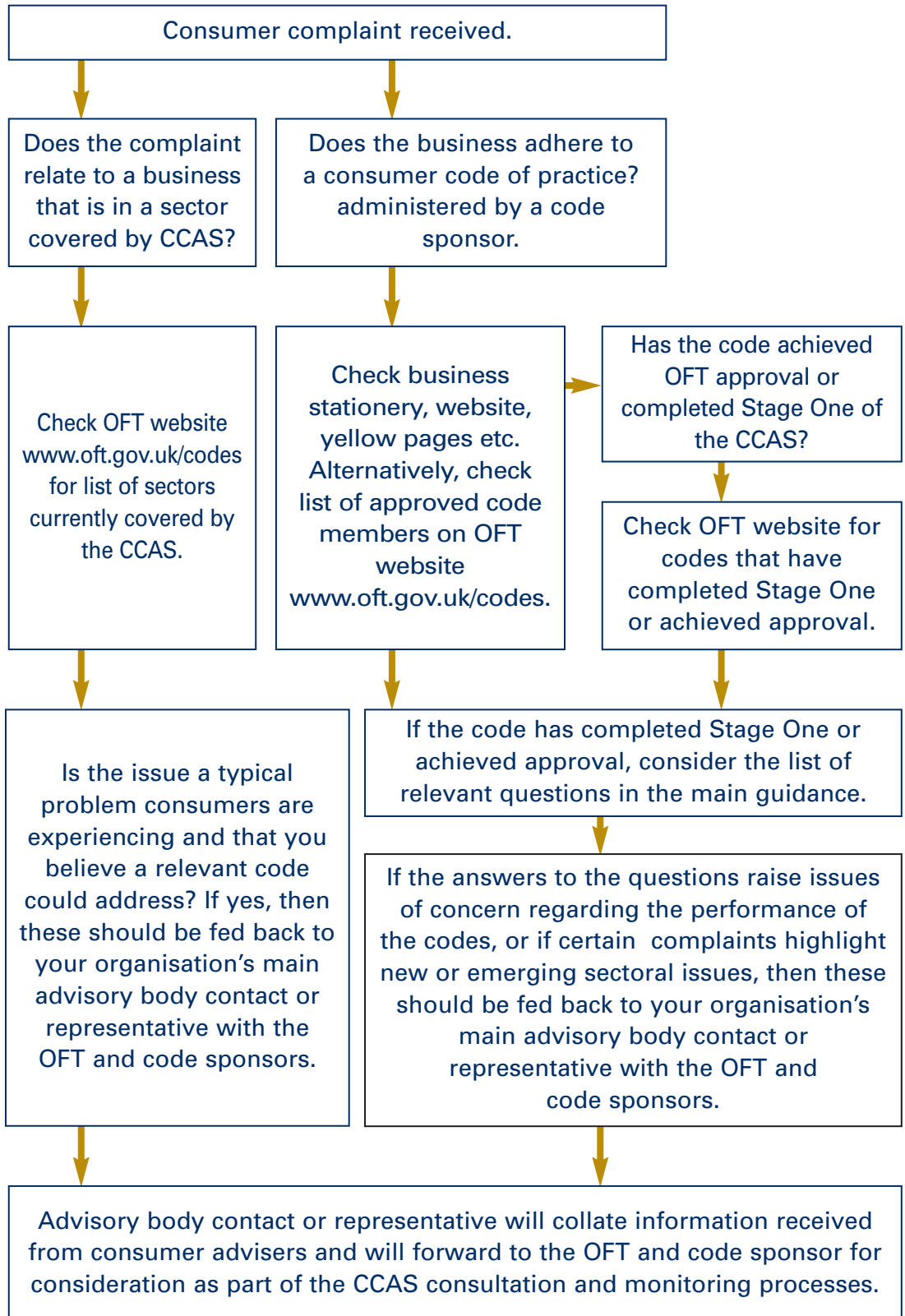
Listed below are some questions relevant to the codes process. They will help you identify issues that could be pertinent to an entire sector when dealing with consumer complaints:

- Is the complaint against a business whose sector has been invited to apply?
- Is there a code in the sector?
 - If the answer is yes, has the code completed Stage One or received OFT approval?
- Was the consumer made aware of the code and, if so, was it made available free of charge?
 - If not, this may need to be referred to the code sponsor.
- Was the consumer aware of the business's complaints procedure, including conciliation and independent redress procedures?
- Was the consumer satisfied with the level of staff awareness of consumer law and their code's provisions?
- Was the advertisement for the product or service accurate?
- Did the information received before purchasing the product/services meet with the consumer's expectations?

- Was the information (including contract terms) clear and accurate?
- Were delivery/completion dates given and were they honoured?
- Did the consumer understand what their cancellation rights were with regard to the purchase?
- If guarantees/warranties were offered or sold with the purchase, was the consumer informed that they were optional?
 - If yes, was it made clear to the consumer that the guarantee/warranty offered rights in addition to their Statutory Rights?
- Was accurate advice given about what was covered by the guarantee/warranty?
- Was the consumer clear about how his/her deposit or prepayment was protected?
- Did the consumer require any additional service from the company after receiving the product or service?
 - If yes, was it available?
- Was the additional service free?
- Was the additional service the consumer received poor value, reasonable value, good value?
- Was the consumer given information that was needed in order to make a complaint?
- Did the information give details about who to complain to?
- Did the information give details about independent arbitration procedures or an Ombudsman scheme or another form of independent redress?
- Was additional help offered to vulnerable consumers?
- Was the business or the code sponsor co-operative if you acted on the consumer's behalf?
- Was the consumer's satisfaction with the service or product assessed or was the consumer advised that it may be in future?

GUIDANCE FOR CONSUMER ADVISERS – FLOWCHART

This flowchart shows the steps that should be taken when you receive a consumer complaint that relates to the CCAS.



WHERE CAN YOU FIND MORE INFORMATION ABOUT THE CCAS?

For full details about the CCAS, including which sectors have been invited to apply; which code sponsors have completed Stage One and whose codes have been granted OFT approval visit our website at www.of.gov.uk/Codes or contact the OFT's Codes Team on 020 7211 8987
consumercodes@of.gsi.gov.uk

For further information contact

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