

Local Authority Assured Trader Scheme Network

Application Form

Your name

Name of your scheme

Names of the authorities covered by this application

Contents

Chapter

Introduction to the Minimum Standards Guidance

Glossary

Summary table of the Standards

Standards

- Organisation and Consultation **1a-1e**
- Content of Codes **2a-2l**
- Complaints about Scheme Members **3a-3d**
- Assessment and Monitoring **4a-4f**
- Enforcement of the Scheme **5a-5c**
- Publicity **6a-6d**

Guidance on the minimum standards for the Local Authority Assured Trader Scheme Network (LAATSN)

Introduction

The minimum standards of the Local Authority Assured Trader Scheme Network (LAATSN) have been ratified by the National Standards and Support Committee (NSSC). The standards and guidance will be subject to an annual review by the NSSC, which will take into account any comments received from stakeholders. Before reading the detail of this application form and guidance on minimum standards, it is important to understand some of the general principles relating to LAATSN and local authority schemes. This application form and guidance provides pointers, not rigid rules, to help operators develop their schemes to meet the minimum standards.

Some of the minimum standards for membership of LAATSN relate to the setting up of local authority assured trader schemes. Schemes which existed prior to the introduction of LAATSN are not expected to comply with these retrospectively but should consider whether any of the principles concerned could be adopted during the on-going operation of their schemes, for example consultation requirements.

Best Practice

This application form and guidance also contains advice on best practice which scheme operators should consider implementing if and when the time becomes appropriate. It is clearly recognised, however, that certain elements of best practice may not be relevant to particular types of schemes.

Some of the best practice advice given in this guidance is clearly linked to certain minimum standards and is, in effect, further development of that particular standard. This advice has been included with the relevant standard. Other best practice advice, however, relates to additional provisions and has been included separately.

These best practice provisions are not mandatory and in both cases they are clearly distinguished from the minimum standards.

Purpose of LAATSN

Local authority assured trader schemes offer a number of significant benefits to local communities.

- They are valuable in terms of raising customer service standards by local businesses
- They promote consumer confidence and provide a signpost to reputable businesses
- They assist in the process of marginalising “rogue traders”
- They provide a focus for encouraging compliance with legislation and best practice
- They open channels of communication between the trading standards service and local businesses
- They tend to attract many smaller businesses who may not wish to join larger national trade associations

The purpose of LAATSN is to promote and develop local authority schemes by providing the framework and support they need to thrive. LAATSN is supported by LACORS (Local Authorities Coordinators of Regulatory Services) the Trading Standards Institute (TSI) and the Office of Fair Trading (OFT).

Scope of LAATSN

The LAATSN is committed to promoting schemes which meet its minimum standards and have been ratified for membership by the NSSC. It is, however, restricted to local authority assured trader schemes which operate in the trading standards field of activity. It does not cover schemes focused on other local authority functions.

Developing Your Scheme

The minimum standards set out what the NSSC would expect to see in schemes wishing to join LAATSN. The guidelines on how to meet those standards are designed to be as flexible as possible and alternative proposals will always be considered.

Responsibility for developing and operating schemes rests with the scheme operators. However, guidance and training is available:

- The OFT will run general awareness sessions on a regional basis. These will be free of charge or for a nominal fee to cover costs.
- The TSI will consider formal training sessions on specific subject areas if there is a general demand. These will be charged for in accordance with the general training policy operated by TSI.
- Members of LAATSN will consider providing assistance in setting up and developing schemes. There will normally be a charge for this service which should be agreed directly between the two parties concerned.

Best practice guidance has been included within the same document as the minimum standards to assist this development process.

- For ratification to LAATSN, the audit process need only confirm that minimum standards have been met. However, this process is also a development tool and should address and indicate areas of best practice. It should also recognise for benchmarking purposes any best practice conducted by the applicant authority.
- Incorporating both sets of guidance in one document will ensure that focus remains on best practice and development. Separation of the two may lead to a concentration on simply meeting minimum standards.

Presentation

Scheme operators must ensure that the language and content of their codes and any other relevant documentation can be easily read and understood by consumers.

Glossary

'Best Practice' – standards which do not necessarily have to be met but which the scheme operator's code should aspire to meet to help it develop.

'Code' - the scheme operator's membership criteria to which scheme members have to adhere.

'LAATSN' – the Local Authority Assured Trader Scheme Network, which has been set up to help develop local assured trader schemes.

'Minimum standards' – the standards which have to be met by the scheme operator's code for it to become a member of LAATSN.

'Scheme operator' – the local authority Trading Standards Service which is administering a local assured trader scheme.

'Scheme member' – a business which is a member of a local assured trader scheme.

Summary Table of Standards

	Standard	
1a	Compliance with the code is mandatory	Minimum Standard
1b	Adequate resources	Minimum Standard
1c	Definition of objectives and scope of scheme	Minimum Standard
1d	Consultation throughout preparation of scheme	Best Practice
1e	Consultation throughout operation of scheme	Best Practice
2a	Requirement to comply with legal obligations	Minimum Standard
2b	Relevant staff aware of terms of code	Minimum Standard
2c	Marketing and advertising	Minimum Standard
2d	Pre-contractual information	Minimum Standard
2e	Prohibition of high-pressure sales techniques	Minimum Standard
2f	Clear and fair terms and conditions	Minimum Standard
2g	Delivery and completion dates	Minimum Standard
2h	Cancellation rights	Minimum Standard
2i	Guarantees and warranties	Minimum Standard
2j	After-sales service	Minimum Standard
2k	Vulnerable consumers	Minimum Standard
2l	Protection of deposit or prepayments	Best Practice
3a	Consumer complaints procedure	Minimum Standard
3b	Co-operation with local trading standards service	Minimum Standard
3c	Conciliation service	Minimum Standard
3d	Adjudication process	Best Practice
4a	Assessment of applicant suitability	Minimum Standard
4b	Assessment of member compliance	Minimum Standard
4c	Review and update of scheme	Minimum Standard
4d	Assessment of consumer satisfaction	Best Practice
4e	Assessment of member satisfaction	Best Practice
4f	Publication of performance indicators and feedback	Best Practice
5a	Appeals against membership refusal	Minimum Standard
5b	Non-compliance with the code by members	Minimum Standard
5c	Sanctions for dealing with non-compliance	Minimum Standard
6a	Ensuring consumers are aware of the code	Minimum Standard
6b	Members indicating membership of a scheme	Minimum Standard
6c	Availability of code without charge	Minimum Standard
6d	Publicising membership of the network	Best Practice

Minimum standards and guidance

1a

Organisation & Consultation

Codes shall include a provision that compliance with the code is mandatory

Our aim

To make sure that all businesses that join a local authority assured trader scheme explicitly commit to complying with the code to which they subscribe.

More information

For a code to effectively protect consumers, it must be mandatory that scheme members that subscribe to the code have to comply with it at all times. Codes must include a provision that compliance with the code is mandatory. Scheme members must give written confirmation that they agree to abide by the provisions of the code.

How you could meet this requirement

A statement, addressed to members and signed by them, that compliance with the code is compulsory should be kept on file. This might be in:

- An application form
- An audit form
- Any information you provide to your members before they join
 - Your code must contain a provision that compliance with the code is mandatory

Indicate how you meet this requirement below

The scheme application form requires that applicants sign only if they have read the Terms of Membership and agree to abide by them.

x.x of the Terms of Membership states that membership of the scheme is subject to the member agreeing with the terms.

Minimum standards and guidance

The importance of compliance with the Terms of Membership is further enforced at the time of audit of the applicant.

x.x of the Disciplinary and Appeals procedure states that “The Trading Standards Service reserves the right to refuse membership to any applicant which it feels does not satisfy the criteria laid down in the Terms of Membership.”

x.x of the Disciplinary and Appeals procedure states that the Trading Standards Service reserves the right to revoke membership should there be a significant breach of the Terms of Membership.

During the assessment and approval procedure the applicant’s compliance with the Terms of Membership is verified.

Organisation & Consultation

Scheme operators shall have adequate resources and be funded in such a way that the objectives of the scheme are not compromised

Our aim

To make sure that:

- Consumers can be confident in the impartiality of scheme operators
- Scheme operators can fulfil the obligations they have in the code.

More information

Scheme operators must have adequate funding and resources, including staff, to fulfil their obligations.

How you could meet this requirement

- Demonstrate that you have considered and taken into account the implications in terms of funding and resources. For example, outlining how the scheme will be administered and detailing the staff available to carry out this work.
- Indicating how the operation of the scheme will be funded.

Indicate how you meet this requirement below

Organisation & Consultation

Scheme operators shall clearly define and communicate the objectives and the scope of their scheme

Our aim

To make sure that all parties are clear as to the objectives and scope of the scheme

More information

Consumers, scheme members and other parties are entitled to a clear explanation of the objectives and scope of the scheme.

How you could meet this requirement

- Your code must include a clear statement as to the objectives and scope of the scheme.
- **Best Practice:** Your code and other documents might include a disclaimer, warning consumers and others that certain types of business activities are not specifically covered by the scheme.
- **Best Practice:** Your code might allow for the scheme operator to act on information received even if it relates to activities which fall outside of the scope of the scheme.

Indicate how you meet this requirement below

Organisation & Consultation

Scheme operators should be able to demonstrate that organisations representing consumers, scheme members and other relevant stakeholders have been adequately consulted throughout the preparation of the scheme.

Our aim

To make sure that your code is relevant to local community needs.

More information

Consultation is a key factor in making sure that codes are relevant to local community needs.

For some sectors there may be a need to consult more widely, for example if a scheme operator is making particular provision for the protection of vulnerable consumers.

Existing local authority schemes are not expected to carry this out retrospectively. However, where existing schemes are being “rolled-out” to other local authorities, consideration should be given as to whether further consultation with the local community would be beneficial.

How you could meet this requirement

- Carry out and retain a record of consultation with relevant bodies representing the above interest groups.
- Record when and how you have acted on proposals or suggestions received from those consulted.

Indicate how you meet this requirement below

Organisation & Consultation

Scheme operators should be able to demonstrate that procedures have been put into place to ensure that consumer representatives and scheme members are being adequately consulted throughout the operation of the scheme

Our aim

To make sure that your code stays relevant to local community needs.

More information

To remain effective, codes must evolve to cover changing market conditions/practices and consumer needs. Scheme operators should be responsible for conducting the consultation process.

How you could achieve this

- Build into your scheme provisions for an annual review of the scheme, which would include consideration of consultation responses.
- Consultation could be written or by face to face meetings.
- Record confirmation that you have considered each of the issues raised during the consultation process and detail any decisions taken and subsequent actions.

Indicate how you meet this requirement below

Content of Codes

The code shall require that scheme members comply with all trading standards legislation and all civil law obligations relevant to their business

Our aim

To ensure that scheme members meet all minimum legal requirements covered by the scheme.

More information

Consumers are entitled to expect that scheme members meet all legal obligations falling within the responsibility of the trading standards service.

How You Could Meet This Requirement

- Your code must state that scheme members should comply with all relevant trading standards legislation and civil law obligations.

Indicate how you meet this requirement below

x.x of the Terms of Membership requires that members comply with the spirit and the letter of both the civil and criminal law relating to their business.

x.x specifically requires that consumers statutory rights are not restricted in any way.

x.x of the Terms of Membership states that membership will not be granted to a business that supplies products or services which do not conform to statutory requirements or are provided in a way which may be against the interests of consumers.

x.x states that subsequent to approval, members of the scheme will be subject to random inspection and checks to ensure that the requirements of the scheme continue to be met.

Minimum standards guidance

Content of Codes

The code shall require that scheme members ensure that their relevant staff know about and meet the terms of the code and their legal responsibilities

Our aim

To make sure that a scheme member's staff understand:

- the requirements of the scheme operator's code.
- the law relating to the scheme member's dealings with consumers.

More information

For a scheme member to conduct its business effectively it must make sure that its staff understand the terms of the code and the law relating to the business's dealings with consumers and to their specific roles.

This may require staff training, the extent of which will vary depending on the trade sector involved, the size of the scheme member and the staff member's role. Not all staff will need to be trained to the same level.

If a staff member deals directly with customers they must have a good understanding of consumer law and of the company's customer service policy. They must also know what the code means for them and for their customers.

How you could meet this requirement

- Your code must clearly state that scheme members must ensure that their staff understand:
 - the code's provisions
 - legal obligations to consumers and responsibilities under the code.

Minimum standards guidance

- Your code must clearly state that where appropriate scheme members must provide relevant and effective staff training.
- **Best Practice:** Your code might stipulate circumstances where you require training procedures and evidence of staff training to be documented.
- **Best Practice:** You might offer training to scheme members on the code or relevant aspects of legislation.

Indicate how you meet this requirement below

Content of Codes

The code shall address clear and truthful marketing and advertising as appropriate to the trade sector

Our aim

To make sure that consumers are protected from misleading advertising.

More information

Advertisements must comply with any relevant code of advertising including:

- the British Codes of Advertising and Sales Promotion
- Independent Television Commission (ITC) code
- Radio Authority code
- Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS)
- any other relevant code of advertising
- all other relevant statutory requirements, such as Control of Misleading Advertisements Regulations 1988 (as amended).

How you could meet this requirement

- Your code must clearly state that advertisements must comply with any relevant code of advertising and/or legislation.

Indicate how you meet this requirement below

Content of Codes

The code shall address clear and accessible pre-contractual information as appropriate to the trade sector

Our aim

To make sure that consumers have accurate and adequate pre-contractual information that enables them to make an informed purchase decision.

More information

Your code must require that pre-contractual information is made available to consumers in a clear and accurate manner. Where appropriate to the size and nature of the scheme member, full written information should be provided upon request.

This may include where appropriate:

- information on key contract terms
- explanations for any difference between the goods or services that are for sale and usual consumer expectations
- explanations as to whether, and if so why, there is any disparity between a consumer's stated requirements and the nature of the goods or services to be purchased
- Information on the availability and price of linked goods and services, such as routine servicing and phone helplines.

How you could meet this requirement

- Your code must state that pre-contractual information must be clear and accessible, and available in written form if requested.
- **Best Practice:** Trade sector specific codes should consider detailing what information should be provided as a minimum.

Indicate how you meet this requirement below

Content of Codes

The code shall prohibit high-pressure sales techniques

Our aim

To make sure that consumers are protected from high-pressure selling techniques that may lead them to make an ill-informed and incorrect purchasing decision.

More information

Your code must make it clear that high-pressure selling must not be used. This is because high-pressure selling:

- impedes the opportunities for the consumer to be presented with clear and accessible pre-contractual information
- is likely to disadvantage vulnerable consumers
- does not allow consumers to make informed purchasing decisions based on clear and comprehensive information.

How you could meet this requirement

- Your code must clearly state that high-pressure selling must not be used.

Indicate how you meet this requirement below

Content of Codes

The code shall require the use of fair contracts and clear terms and conditions

Our aim

To make sure that consumers are provided with clear and fair contractual terms and conditions.

More information

Scheme members must comply with the Unfair Terms in Consumer Contracts Regulations 1999 and guidance issued by the OFT on unfair terms, including sector specific guidance when they draft contract terms.

How you could meet this requirement

- Your code must clearly state that members must comply with the Unfair Terms in Consumer Contracts Regulations 1999 when drawing up their contracts.

Indicate how you meet this requirement below

Content of Codes

The code shall address delivery and completion dates as appropriate to the trade sector

Our aim

To make sure that consumers are given the opportunity to agree appropriate delivery and completion dates that meet their requirements.

More information

Consumers must be offered flexibility and a choice of delivery dates and times. They must also have the opportunity to agree completion dates in advance of placing their order or making their purchase.

Consumers must be given as much advance notice as possible of any subsequent delays in delivery or completion. Then they must be given the opportunity to negotiate alternative delivery or completion arrangements if they wish to do so.

How you could meet this requirement

Your code must state that scheme members must provide consumers with:

- flexibility and choice of delivery dates and times
- completion dates to be agreed in advance of conclusion of contract
- advance notice of any delays
- an offer of suitable alternatives when delays occur and ultimately appropriate remedies
- where appropriate to the size and nature of the scheme member, you may require this information to be provided in writing.

Indicate how you meet this requirement below

Content of Codes

The code shall address cancellation rights as appropriate to the trade sector

Our aim

To make sure consumers understand their cancellation rights and have the opportunity to use them.

More information

Scheme members must provide clear and accurate information on any cancellation rights which:

- are provided in law
- they offer, over and above legal requirements.

How you could meet this requirement

- Your code must state that clear and accurate information should be provided on cancellation rights, including any rights which are additional to legal requirements.
- **Best Practice:** Trade sector specific codes should consider specifying when and how this information is to be provided.

Indicate how you meet this requirement below

Content of Codes

The code shall address guarantees and warranties as appropriate to the trade sector

Our aim

To make sure that consumers understand all the guarantees and warranties that apply to their transaction.

Guidance

Scheme members must provide the consumer with clear and accurate details of:

- standard guarantees and warranties that are included in any transaction
- which guarantees and warranties are optional
- the cost of such additional guarantees/warranties
- who the additional guarantees/warranties are offered by.

Scheme members must clearly explain the nature and key elements of any additional optional guarantees and warranties to consumers.

Scheme members must not use high-pressure selling of additional warranties, nor misrepresent their costs, coverage or the benefits they provide.

How you could meet this requirement

- Your code must require clear and accurate information to be given on guarantees and/or warranties which are included as standard in a transaction.
- Your code must require that where additional guarantees and/or warranties are offered it must be clear that these are optional and additional to consumer's rights. Clear and accurate information must be given, including details of who is responsible for the guarantee or warranty.

Minimum standards guidance

- Your code must require that there is no high pressure selling of guarantees or warranties.
- **Best Practice:** Trade sector specific codes should consider specifying when and how information is to be provided.
Best Practice: You might require that guarantees for certain trade sectors have some form of insurance backing.

Indicate how you meet this requirement below

Content of Codes

The code shall address after-sales service provisions as appropriate to the trade sector

Our aim

To make sure that consumers are provided with appropriate after-sales service.

Guidance

After-sales service has a wide definition and will vary by trade sector. It is not restricted to enquiries after the customer has paid for and received goods or services.

Consumers may have enquiries at different times or events including:

- before a contract has been agreed
- after ordering
- after booking
- after paying
- after receiving their goods or services.

Scheme members must have accessible and user-friendly procedures in place to ensure that these enquiries are dealt with effectively. The specific requirements will depend on the trade sector.

Any charges must be clearly communicated to consumers. Where appropriate it may be a requirement that such charges be notified in advance.

After sales service is not the same as complaint handling, this is covered elsewhere in the minimum standards. It is useful to remember though that effective after-sales service provisions can help avoid complaints.

Minimum standards guidance

How you could meet this requirement

- You must include relevant requirements in your code to ensure that scheme members have an accessible, user-friendly and reasonably charged after-sales service. This requirement may vary according to the size and nature of the business.
- **Best Practice:** Trade sector specific codes should consider specifying when and how this information is to be provided.

Indicate how you meet this requirement below

Content of Codes

The code shall require that additional effort/help be provided to vulnerable consumers as appropriate to the trade sector

Our aim

To protect vulnerable consumers.

More information

Vulnerable consumers are those whose circumstances put them at risk of making an incorrect or inappropriate decision or of receiving inferior goods or services.

Vulnerable consumers include those:

- with a disability that may put them at risk in the particular circumstances
- with poor literacy skills
- with a lack of knowledge about a complex product or service
- who are purchasing something at a time of particular stress or distress.

Responsible businesses will take the necessary effort and time to make sure that vulnerable consumers understand all aspects of a transaction.

How you could meet this requirement

- Your code must require scheme members not to seek to take advantage of vulnerable consumers.
- **Best Practice:** In some cases it might be appropriate to require that additional assistance is offered.

Indicate how you meet this requirement below

Content of Codes

The code could address protection of deposit or prepayments as appropriate to the trade sector

Our aim

To make sure that any deposits or prepayments made by consumers are protected and are refunded swiftly where appropriate.

More information

Scheme operators could make sure that protection mechanisms are in place so that consumers will have any advance payments fully and speedily refunded if a scheme member is unable to meet a promise to deliver goods or services. This could happen in a number of situations, such as when the goods/service are not available for any reason or the member has ceased trading due to liquidation/bankruptcy.

Scheme members must not subject consumers to excessive form-filling or other procedures before their payments are refunded.

Scheme members must make these provisions clear to consumers.

How you could meet this requirement

- You could put relevant requirements in your code that scheme members have mechanisms in place to protect consumer deposits and prepayments.

Trade sector specific schemes should consider whether prepayment protection is feasible within the sector they operate.

The types of protection mechanisms used could include but is not limited to:

- insurance backed schemes
- financial bonds
- trust accounts
- ring-fenced client accounts

Best practice guidance

- central funds
- contractual obligations on other scheme members to complete a particular transaction should the contracted member be unable to do so.

Indicate how you meet this requirement below

Complaints about Scheme Members

The code shall include a requirement that scheme members shall have in place speedy, responsive, accessible and user friendly procedures for dealing with consumer complaints. Scheme members shall prescribe a reasonable time limit for responding to complaints

Our aim

To make sure that complaints from consumers are dealt with quickly and effectively.

More information

Consumers must have ready access to effective complaint resolution by scheme members.

Scheme members must fully inform consumers of the key elements relating to complaint resolution. Including where appropriate:

- full contact details
- any information they must provide – this must be reasonable and not require excessive detail or form-filling
- reasonable timescales for dealing with the complaint – including a timescale for resolution
- details of any further complaint procedures in the event that the business is unable to satisfy the complainant.

How you could meet this requirement

- Your code must require that scheme members have an effective customer complaint procedure, which is clearly communicated to customers.
- Your code must address response times to customer complaints, it needs to prescribe maximum times but may also need to consider

Minimum standards and guidance

the sole trader and allow for a degree of flexibility as to what constitutes an initial “response”.

- Your code must require that a written record is kept of all complaints.
- Your code must take into account the size and nature of the scheme member involved and must allow for more comprehensive, written procedures to be required where appropriate.
- **Best Practice:** You might design an “off the peg” complaints procedure, providing a basic documented system suitable for small scheme members.
- **Best Practice:** You might provide training for your scheme members on complaint handling.

Indicate how you meet this requirement below

x.x of the Terms of Membership requires that members provide the Trading Standards Service with details of ownership, staffing, premises and trade activities of the business and details of any complaints received about the business.

x.x of the Terms of Membership requires that the business implement a customer complaints procedure in line with the Customer Complaints Procedure document.

x.xx of the Terms of Membership requires that the member acknowledge and respond to advice given by officers from the Trading Standards Service.

The Customer Complaints Procedure sets out in the detail the requirement for members of the scheme to have a complaints procedure in place and details the response times required. The procedure requires that all complaints are recorded.

The procedure is sufficiently flexible to allow for variations in the procedures that a member has in place dependent upon their size. Guidance for authorities on what would be expected of different sizes of business is provided.

An “off the peg” complaints procedure suitable for a small business is available to applicants and members free of charge.

Both training and guidance on handling complaints has been made available to members.

Complaints about Scheme Members

The code shall include a requirement that scheme members shall offer full co-operation with local trading standards services. Scheme members should also agree to co-operate with any appropriate intermediary consulted by a consumer in respect to a complaint.

Our aim

To ensure scheme members co-operate fully with trading standards services as they carry out their work.

To ensure scheme members provide the same level of co-operation to a formal intermediary who acts on behalf of a complainant as they would offer to the complainant him/herself.

More information

Consumers may need the assistance of others with more expertise and experience of dealing with a complaint. It is not acceptable for a scheme member to say they will deal direct with the consumer only.

The code must make this requirement clear.

How you could meet this requirement

- Your code must state that full co-operation will be provided to trading standards services during the course of their activities.
- Your code must require full co-operation with any appropriate intermediary consulted by a consumer.

Indicate how you meet this requirement below

Complaints about Scheme Members

Scheme operators shall include the provision of conciliation services directed at resolving complaints by arranging a decision acceptable to both parties

Our aim

To make sure that in the case of complaints that are not resolved by the scheme member's own complaints procedure, there is the opportunity to resolve them through conciliation.

More information

If a scheme member and complainant cannot reach agreement on how to resolve a complaint, the complainant must be allowed access to conciliation services. The role of the conciliation service is to try to facilitate an agreement between the scheme member and the complainant. A scheme operator should provide the conciliation services.

The conciliation service must be subject to reasonable time limits.

The most appropriate type of conciliation service will depend on the trade sector.

If a complaint has still not been resolved following the use/assistance of the conciliation service, the complainant must be given full advice on their legal rights and how to access them.

How you could meet this requirement

- You must include provision for some type of conciliation service in your scheme.
- You must ensure that details of this service are clearly communicated to consumers.
- **Best Practice:** You might detail in writing the procedures involved, including prescribed timescales for each stage. You might specify

Minimum standards and guidance

that each party will receive a written summary of the result of the conciliation process.

Indicate how you meet this requirement below

Complaints about Scheme Members

For certain trade sectors and/or types of scheme it might be appropriate to offer an adjudication process should conciliation fail to resolve a complaint

Our aim

To make sure that in the case of complaints that are not resolved by the conciliation process there is the opportunity to settle them through adjudication.

More information

If a scheme member and complainant cannot reach agreement during the conciliation process, it might be appropriate depending on the trade sector involved and the nature of the scheme to offer an adjudication process.

The role of the adjudication process is to provide an informal decision making process in respect of complaints.

The final decision as to whether or not to use the adjudication process should lie with the consumer.

The result of the adjudication process should be binding on the scheme member but not on the consumer. However, the scheme member should be allowed to refer to the adjudication process should the consumer subsequently take court action.

The adjudication process must be subject to reasonable time limits.

The adjudication process should be independent from the management of the scheme and from the conciliation service.

The result of the adjudication process should be communicated to both parties in writing.

Best practice guidance

How you could meet this requirement

- You could include provision for some type of adjudication process in your scheme.
- You could ensure that details of this process are clearly communicated to consumers.
- You could detail in writing the procedures involved, including prescribed timescales for each stage. These could be clearly communicated to both parties at the appropriate time.

Indicate how you meet this requirement below

Assessment & Monitoring

The scheme operator shall develop performance indicators and independent compliance assessments to determine whether applicants are suitable for membership of the scheme

Our aim

To enable the scheme operator to protect the integrity of the scheme by assessing whether applicants are suitable for membership of the scheme.

More information

You must be able to demonstrate that the methods you use are appropriate and effective performance indicators for your scheme.

Applicants must be made aware that their suitability for membership will be assessed in this way.

(See also standard 5a.)

How you could meet this requirement

- You must include in your scheme procedures for determining whether applicants conform to the requirements of your code. This must include an assessment process.
- Other measures taken might include; analysis of complaints received by the scheme operator and Consumer Direct, seeking information from other relevant regulatory agencies, CRB and/or CCJ checks, customer surveys, etc. The precise nature of these measures will depend on the trade sector involved and the nature of the scheme.
- The assessment process must be clearly communicated to and understood by scheme members.
- The assessment process must be readily accessible to consumers.

Minimum standards and guidance

- **Best Practice:** It might be appropriate to impose additional checks in certain cases, for example scheme members seeking to carry out work on domestic premises or whose work regularly brings them into contact with vulnerable sections of society.

Indicate how you meet this requirement below

Assessment & Monitoring

The scheme operator shall develop performance indicators and independent compliance assessments to monitor members' compliance with the code

Our aim

To make sure that every scheme operator is able to ensure that their scheme is effective by carrying out regular checks on their members using clearly defined and agreed methods.

More information

You must be able to demonstrate that the methods you use are appropriate and effective performance indicators for your scheme.

Scheme members must be made aware that their adherence to the code will be pro-actively monitored in this way.

Consumers may not always be aware that they have not been treated in accordance with the code of practice and so may not complain to the scheme operator. This means consumer feedback may be a key measure of the extent to which scheme members are adhering to the code and its overall effectiveness.

(See also standard 5b.)

How you could meet this requirement

- You must include in your scheme procedures for monitoring that members continue to conform to the requirements of your code. This must include a re-assessment process.
- This may include: direct assessment of compliance, analysis of complaints received by the scheme operator and consumer direct, feedback forms, customer surveys, etc. The precise nature of these measures will depend on the trade sector involved and the nature of the scheme.

Minimum standards and guidance

- The monitoring process must be clearly communicated to and understood by scheme members.
- The monitoring process must be readily accessible to consumers.
- **Best Practice:** The monitoring process might include some form of direct customer feedback.
- **Best Practice:** You might consider using “mystery shopper” exercises.

Indicate how you meet this requirement below

Assessment & Monitoring

The scheme operator shall regularly review the scheme and update its procedures in the light of changing circumstances and expectations

Our aim

To make sure that schemes and codes keep pace with changing practices and expectations.

More information

Market conditions can change rapidly. Scheme operators must ensure that their scheme continues to reflect market conditions and practices despite these changes.

Scheme operators must review their codes regularly enough to ensure that the code's provisions are kept up to date in light of changing circumstances.

An annual review will help inform and formalise the review process.

How you could meet this requirement

- Your scheme must include a requirement for an annual review.
- You must document the findings of that review and any subsequent action taken.
- **Best Practice:** Your review might include consideration of the findings of any consultation you have undertaken.

Indicate how you meet this requirement below

Assessment & Monitoring

Consumer satisfaction should be regularly assessed

Our aim

To make sure that consumer satisfaction is an integral part of keeping pace with changing circumstances and expectations.

More information

Collecting regular feedback from consumers is an effective way of assessing whether the scheme is working well and identifying areas of the code that need to be changed.

It is up to the scheme operator to decide the best way to assess consumer satisfaction.

How you could meet this requirement

- You might require scheme members to display feedback forms (see also standard 4b above), these could ask for comment on the individual scheme member and on the scheme itself.
- The scheme operator might periodically send out questionnaires to scheme members' customers. (Obligations under the Data Protection Act will need to be considered in relation to the disclosure of information).
- The scheme operator might consult directly with representatives of relevant consumer organisations.

Indicate how you meet this requirement below

Assessment & Monitoring

Scheme member satisfaction should be regularly assessed

Our aim

To make sure that scheme member satisfaction is an integral part of keeping pace with changing circumstances and expectations.

More information

Collecting regular feedback from scheme members is an effective way of assessing whether the scheme is working well and identifying areas of the code that need to be changed.

It is up to the scheme operator to decide the best way to assess scheme member satisfaction.

How you could meet this requirement

- The scheme operator might periodically send out questionnaires to scheme members. (Obligations under the Data Protection Act will need to be considered in relation to the disclosure of information).
- The scheme operator might consult directly with scheme members at an annual meeting or during training seminars.

Indicate how you meet this requirement below

Assessment & Monitoring

The scheme operators should publish statistical results of the performance indicators and feedback received to demonstrate the effectiveness of the code

Our aim

To make sure that the results of performance indicators and feedback can be checked and reviewed by other interested groups and individuals.

More information

Information about a scheme and its effectiveness should be open and accessible to interested parties.

How you could meet this requirement

- Publish the information on the scheme's webpages.
- Publish the information in other suitable documentation. For example, Annual Service Review, Citizen's Charter, etc.

Indicate how you meet this requirement below

Enforcement of the Scheme

The scheme operator shall establish a procedure for handling appeals by applicants who have been refused membership to the scheme. The procedure shall include reasonable time limits

Our aim

To make sure that any appeal against refusal of scheme membership is dealt with as effectively and as quickly as possible and that disciplinary procedures will be effective, fair and impartial.

More information

To maintain a scheme's integrity appropriate membership requirements and standards must be maintained:

Appeals against matters relating to refusal of an application must be considered fairly and impartially. The person(s) responsible for considering the appeal may be part of the scheme operator's organisation but must be independent of the management of the scheme. Procedures will only be credible and fair if they are open and impartial.

Scheme operators should consider whether any other action is more appropriate, for example imposing conditions before scheme membership is granted.

(See also standard 4a)

How you could meet this requirement

- Detail your procedures for handling a refusal of scheme membership or other action either within your code or other suitable document.
- Any decision to refuse or take other action, such as imposing conditions on scheme membership must be communicated to the applicant in writing.
- Agree the responsibility and process for hearing appeals. This must be independent of the direct management of the scheme.

Minimum standards and guidance

- Set reasonable time scales for the appeals process
- The result of any appeal, including an explanation of the findings, must be communicated to the applicant in writing.

Indicate how you meet this requirement below

Enforcement of the Scheme

The scheme operator shall establish a procedure for handling non-compliance by scheme members with the code. The procedure shall include reasonable time limits

Our aim

To make sure that any breach of a code is dealt with as effectively and as quickly as possible and that disciplinary procedures will be effective, fair and impartial.

More information

To maintain a scheme's integrity robust and effective disciplinary measures are required. Disciplinary procedures must:

- deal appropriately with breaches of the code, and
- be fair to the scheme member who is being investigated.

Appeals against matters relating to non-compliance must be considered by an independent disciplinary panel. The disciplinary panel must be independent of the management of the scheme. Procedures will only be credible to consumers and fair to scheme members if there is some form of independent scrutiny or involvement.

If a consumer complains that a scheme member has not complied with a code, the scheme operator must keep the consumer informed about the outcome of their complaint. It is not acceptable for scheme operators to refuse to give information on the grounds that their proceedings are confidential.

This requirement does not extend so far as to cover initial refusal of scheme membership. It is acceptable for appeals against refusal of scheme membership to be dealt with by internal procedures.

(See also standard 4b)

Minimum standards and guidance

How you could meet this requirement

- Detail your procedures for handling non-compliance either within your code or other suitable document.
- Detail the sanctions available when disciplining members for non-compliance the code (see standard 5b).
- Any disciplinary action taken must be communicated to the scheme member in writing
- Agree and document the constitution of an independent panel for hearing appeals. For example this could be done by:
 - Agreement with another scheme operator
 - Setting up a panel with a majority of independent members, such as one local authority representative, one consumer representative and one business representative
- Set reasonable time scales for the appeals process
- The result of any appeal, including an explanation of the findings, must be communicated to the scheme member in writing.

Indicate how you meet this requirement below

Enforcement of the Scheme

The scheme operator shall also set out a range of sanctions; for example, warning letters, increased audit frequency, termination of membership, etc for dealing with non-compliance

Our aim

To make sure that consumers and scheme members are clear about the escalating sanctions that scheme members will face for any breaches of a code.

More information

Scheme operators must impose appropriate sanctions against any scheme members who breach a code. The sanctions must be commensurate with the nature of the breach and repetition/frequency of breaches.

Failure to impose adequate sanctions will bring a code of practice into disrepute.

Consideration should be given as to whether the outcomes of any investigations into code breaches are publicised. In certain circumstances publication may be to the benefit of scheme operators, scheme members and consumers.

How you could meet this requirement

- You must detail the range of sanctions you will use against scheme members who breach your code. This might be in your code or other appropriate document.
- Scheme members must be made aware of these sanctions.
- Details of these sanctions must be accessible to consumers.

Indicate how you meet this requirement below

Publicity

Scheme operators and scheme members shall ensure that their customers are aware of the code

Our aim

To make sure that consumers understand the benefits of dealing with an organisation that subscribes to a code.

More information

Effective publicity is essential for communicating the benefits of dealing with an organisation that subscribes to a code. The publicity must make consumers aware of what they can expect from a scheme member that subscribes to the code.

It is not enough just to display a logo or merely to refer to a code as consumers may not be aware of what this means.

If more consumers are aware of these benefits, it will increase demand for scheme member's products and services. In turn, this will raise standards of customer service in the scheme operator's sector or locality.

How you could meet this requirement

You must include in your code, or other appropriate document, a written statement describing how you propose to ensure customer awareness of your scheme, for example:

- production of leaflets, posters and/or other promotional literature
- maintenance of webpages dedicated to the scheme
- certificates and/or feedback forms for display in scheme members' premises
- other promotional activities.

Indicate how you meet this requirement below

Minimum standards and guidance

6b

Publicity

Scheme members are to be encouraged to make clear, for example in advertising, at point of sale, their membership of a scheme

Our aim

To make sure that consumers can easily identify scheme members who adhere to a code.

More information

Effective publicity is essential for communicating the benefits of dealing with a scheme member that subscribes to a code.

Scheme members can play a key role in building consumer awareness of the code.

How you could meet this requirement

You might make it a requirement that scheme members display a membership certificate and/or feedback forms in a prominent position on their business premises

- You must make a range of promotional material available to scheme members to suit various individual preferences. The nature of the promotional material will vary according to the type of scheme.
- **Best Practice:** You might detail in an appropriate document the type of material and promotional opportunities that you will make available to scheme members or carry out on behalf of scheme members.
- **Best Practice:** You might detail in an appropriate document any rules regarding use of the scheme logo and/or other promotional material.

Indicate how you meet this requirement below

Publicity

Copies of codes shall be available without charge to customers, to scheme members and to others with a legitimate interest

Our aim

To make sure that code are freely available for customers and other interested parties.

More information

Scheme operators must make sure that copies of their code are readily available. There should be no charge for copies of the code.

Scheme operators should consider making copies of the code available in different ways, for example:

- on any website that they publish
- by email
- by post
- in person from the scheme operator
- by request from any scheme member (you should allow a scheme member reasonable time to action any such request).

A website or email must not be the only means of getting copies of your code as not all consumers will be able to access them in this way.

Consumers must easily be able to get a hard copy of a code from either a scheme operator or a scheme member.

How you could meet this requirement

- You must state in appropriate documentation (and on any webpages) that copies of your code will be freely and readily available to consumers and other interested parties in various formats.

Minimum standards and guidance

Indicate how you meet this requirement below

Publicity

Scheme operators should publicise the fact that their scheme is a member of a national network

Our aim

To increase the effectiveness of LAATSN by raising awareness of its existence and operation and to build confidence in the integrity of individual schemes.

More information

It should be possible to easily identify schemes that have been recognised under LAATSN. Consumers should have confidence in a scheme that has been independently assessed.

The rules concerning identification with LAATSN will be published on its website and will be confirmed to scheme operators upon ratification into LAATSN.

How you could meet this requirement

- Upon ratification begin to amend your website and other promotional material to include reference to the fact that your scheme has been nationally recognised.
- Upon ratification consider a press release to recognise the achievement and explain its significance.

Indicate how you meet this requirement below

Contact details and declaration of accuracy

Name of scheme

Scheme operator

I certify that the information recorded on this form provides, to the best of my knowledge, a true and accurate summary of the above named local authority assured trader scheme.

I also undertake to notify the NSSC secretariat immediately of any change to this scheme which might affect its compliance with any of the minimum standards.

Signed

Date

Print Name

Title

Contact address

Telephone

E-mail