

# Code of Practice

## Version 1.4



The Help Direct – Safe Trader Scheme is funded by Lancashire County Council and managed by Lancashire County Council Trading Standards Service.

This Code of Practice defines the minimum standards required of businesses registered with the Scheme. These minimum standards have been designed to ensure that businesses are equipped to deliver good customer service.

The principles set out in this Code of Practice are not intended to interpret, qualify or replace the law and are not intended to be applied to inter-trade sales (where, generally, the transaction will be covered by specific contractual conditions agreed between the two parties).

The Scheme does not directly address wider issues such as the quality of the particular goods or services provided, or the financial standing of the business. Whilst it may take into account activities which fall within the remit of other regulatory agencies, it does not in any way audit or assure these activities.

Businesses trading within the boundaries of Lancashire County Council are eligible to apply to join the Register.

The Register will be maintained by Lancashire County Council Trading Standards Service.

### **1. GENERAL ADMINISTRATION OF THE SCHEME**

1.1 Lancashire County Council Trading Standards Service will manage the Scheme. As such, 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 businesses as soon as is reasonably practicable.

1.2 The Scheme only applies in respect of business to consumer transactions. In areas of doubt, the decision of the Lancashire County Council Trading Standards will be final.

1.3 Applications to join the Scheme should be made to Lancashire County Council Trading Standards who will be responsible for assessing the application. This administrative process may only be undertaken by an authorised administrator.

1.4 Businesses will have the option of withdrawing from the Scheme at any time by giving 28 working days written notice to Lancashire County Council Trading Standards. However, any obligations or responsibilities entered into whilst registered with the Scheme must be honoured.

1.5 Membership of the Scheme requires businesses to adhere to the terms and conditions laid out in this Code of Practice. Prior to joining the Scheme, applicants will be asked to read and sign a declaration to this effect.

1.6 Any certificates and documentation provided by Lancashire County Council Trading Standards, which indicate membership of the Scheme, remain the property of, and shall be returned to the Service on request or when membership of the Scheme ceases.

#### 1.7 Refusal, Suspension and Revocation of Membership:

1.7.1 Lancashire County Council Trading Standards Service reserves the right to refuse, or revoke, membership to any applicant or registered member, which it feels does not satisfy the criteria laid down in the Code of Practice. It may, as an alternative to refusal, impose certain conditions that need to be satisfied prior to acceptance of membership.

1.7.2 In particular, Lancashire County Council Trading Standards Service reserves the right to refuse or revoke membership:

- a) Should there be a significant breach of the Code of Practice.
- b) Upon failure to notify the Service if there is a change in ownership of the business. Lancashire County Council Trading Standards must be notified in writing within 7 working days of any change in ownership of a business registered with the Scheme (paragraph 2.1.8).
- c) Upon receipt of any information that casts doubt upon the suitability of any particular business to join the Scheme.

1.7.3 Without prejudice to paragraph (1.7.2.) above, Lancashire County Council 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.

1.7.4 While membership is suspended, the member shall specifically draw the customer's attention to the scheme no longer applying. Lancashire County Council Trading Standards reserves the right to provide enhanced assistance to consumers pursuing a complaint through ADR or Court proceedings for customers who understood membership and its benefits were still in place.

1.7.5 Where membership is suspended or revoked or an application is refused Lancashire County Council Trading Standards will provide the business with a written explanation of the reason for its action.

1.7.6 Membership will not be suspended or revoked, nor will an application be refused except for good reason.

1.7.7 As an alternative to suspension or revocation of membership Lancashire County Council Trading Standards reserves the right, where considered appropriate, to implement other disciplinary measures (for example, a written warning).

### 1.8 Appeals against Refusal, Suspension or Revocation of Membership:

1.8 Any business wishing to complain about a decision to refuse, suspend or revoke membership should do so by writing to the Assistant Director Trading Standards, Lancashire County Council Trading Standards Service, Room D21, County Hall, Preston, PR1 0LD. Full details of County Council's Corporate Complaints Procedure can be obtained by visiting the County Council's website [www.lancashire.gov.uk](http://www.lancashire.gov.uk) or contacting the Safe Trader Team.

## **2. RESPONSIBILITIES OF SCHEME MEMBERS**

### 2.1 General:

2.1.1 Businesses must comply with all trading standards legislation and all civil law obligations relating to their business. When a business employs sub-contractors, the business will be responsible for ensuring all sub-contractors comply with all relevant legislation and all civil law obligations relating to their business. Businesses offering personal care services must be registered with the Care Quality Commission and comply with all relevant legislation.

2.1.2 Businesses must notify Lancashire County Council Trading Standards Service of any:

- civil court judgments against them,
- convictions, or
- current legal proceedings

relating to matters covered by this Code of Practice or which might cast doubt on their suitability for membership of the scheme

2.1.3 Businesses providing registered care services must hold a minimum of £5 million public liability insurance and where applicable, also possess employers' liability insurance covering a minimum of £10 million liability.

All other businesses must possess public liability insurance covering a minimum of £2 million liability and where applicable also possess employers' liability insurance covering a minimum of £5 million liability.

2.1.4 Businesses have a responsibility to trade fairly and provide good quality customer service.

2.1.5 Management control must exist to ensure that businesses operate legally and adhere to set customer service procedures.

2.1.6 Businesses will ensure that a copy of this Code of Practice is made available to any interested party upon request.

2.1.7 Members must actively encourage their customers to give feedback on their experience of the business. Feedback can be given on line via the Safe Trader website [www.safetrader.org.uk](http://www.safetrader.org.uk) or via a customer feedback form supplied by the Safe Trader team.

2.1.8 It is the responsibility of the member to ensure that Lancashire County Council Trading Standards Service has current accurate information on the business. Where changes occur the business membership may be reviewed. Significant changes should be notified to Lancashire County Council Trading Standards Service as soon as possible and must be notified within 7 working days.

2.1.9 For the elimination of any doubt significant changes which are required to be notified under 2.1.8 include:

- Change in owners/directors of a business registered with the Scheme.
- Changes in membership of any trade association, competent person scheme or similar accreditation.

2.1.10 Businesses must ensure that the services they provide are not discriminatory against any person because of their sex, race, disability, gender, sexual orientation and religion or belief.

## 2.2 Advertising:

2.2.1 All businesses will receive a Certificate of Membership.

2.2.2 Businesses may use documentation and the logo relating to the Scheme, in accordance with copyright regulations and relevant national advertising and display code of practice, in the following ways:

- a) On business documentation.
- b) On business premises.
- c) In other advertising media.

2.2.3 No publicity regarding the Scheme should be used in advertising that has an expected life span longer than one year.

2.2.4 On ceasing membership of the Scheme, all references to the scheme including references to membership, use of the logo, signs on business premises, business documentation and any form of advertising must be removed, obliterated or otherwise negated immediately. Failure to do this could constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008.

2.2.5 Businesses must not state or otherwise imply that they, or their activities, are “approved” by the scheme or by any partner agency of Lancashire County Council Trading Standards Service.

2.2.6 Businesses undertake that all promotional material shall be clear and truthful and will comply with any relevant national advertising code of practice.

## 2.3 Customer Care:

2.3.1 Customers must not be deprived of their implied rights with regard to the descriptions and quality of goods sold. The customers' contract is with the seller of the goods and a customer is entitled by law to look to the seller for redress. Manufacturers' guarantees are in addition to customers' implied rights.

2.3.2 Customers should be treated in a polite and courteous manner at all times.

2.3.3 Businesses must not engage in high pressure selling techniques.

2.3.4 Businesses should provide clear and accurate information on key contract terms.

2.3.5 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.

2.3.6 For any works carried out which require compliance with building regulations, or notification to Building Control Services, there is a requirement that the business:

- Unless otherwise explicitly agreed, carries out the work in accordance with current building regulation requirements.
- Makes it clear to the consumer, where there is a responsibility for notification to Building Control Service.
- Make it clear who is going to have the responsibility for notification to Building Control Service.

2.3.7 Businesses will not seek to take advantage of vulnerable consumers. Where necessary and reasonably practicable, they will offer additional assistance to ensure that all aspects of the transaction are fully understood.

2.3.8 Where appropriate to the size and nature of the business, easily accessible and user-friendly after-sales procedures should be in place to ensure consumer requirements are dealt with effectively. Any charges must be clearly communicated to users, in certain instances Lancashire County Council Trading Standards may require such charges to be notified prior to purchase.

2.3.9 Completion/delivery dates should be as flexible as possible and should be agreed in advance. Where delays prove unavoidable the consumer should be given as much advance notice as possible. Where appropriate to the size and nature of the business Lancashire County Council Trading Standards may require that such dates be communicated in writing.

2.3.10 Where relevant, clear and accurate information should be given on cancellation rights, including any additional rights offered.

2.3.11 Where guarantees and/or warranties are included as standard in the transaction, clear and accurate details should be provided to the consumer.

2.3.12 Where additional guarantees and warranties are offered it must be made clear that these are optional and in addition to the consumer's statutory rights. Clear and accurate details should be provided. There must be no high-pressure selling of additional guarantees or warranties.

2.3.13 All terms of the contract for any repairs and servicing work should be clear and precise. If unexpected additional work is then needed, the customer should be notified and their permission obtained before any extra work is carried out.

2.3.14 All work undertaken must be carried out with reasonable skill and care, for a reasonable charge and, unless specifically agreed otherwise with the customer, within a reasonable time.

2.3.15 Invoices should be clear and show exact details of the work carried out and any parts charged for.

#### 2.4 Customer Complaints Procedure:

2.4.1 Businesses must have an effective customer complaint procedure, understood by all staff that may come into contact with the public.

2.4.2 A member of staff should be designated as responsible for dealing with aggrieved customers. Any complaints should be dealt with promptly, effectively and courteously and in accordance with good business practice.

2.4.3 A record of all customer complaints will be maintained by the business.

2.4.4 Businesses will co-operate with the Trading Standards services or other partner agencies of the Scheme or any other intermediary consulted by the consumer in an attempt to resolve any complaint. .

#### 2.5 Training:

2.5.1 All staff should be trained, or be in the course of training, to the level of competence necessary for the efficient performance of the tasks regularly required of them. This should include their legal obligations and responsibilities.

### **3. RESPONSIBILITIES OF SCHEME ADMINISTRATORS**

#### 3.1 Conciliation and Mediation:

3.1.1 If necessary, Lancashire County Council Trading Standards Service will endeavor to offer civil advice to both parties.

3.1.2. In order to facilitate mediation between the parties in the dispute, the Trading Standards Service may request a written position statement from both parties.

3.1.3 The decision of any mediation process is not legally binding on either party. In the event of the Scheme member not accepting the mediation decision, Lancashire County Council Trading Standards reserves the right to provide assistance to consumers pursuing a complaint through ADR or Court proceedings.

### 3.2 Assessment and monitoring:

3.2.1 In deciding whether a business is suitable for membership of the Scheme or in monitoring whether a business remains suitable for membership of the Scheme the Lancashire County Council Trading Standards may take into consideration the following criteria.

3.2.2 An assessment of any complaints or enquiries made to the Trading Standards Service or any other agencies concerning the applicant. This may involve seeking further information from any consumers concerned.

3.2.3 Where deemed appropriate, Lancashire County Council Trading Standards reserves the right to consult with any other regulatory agency or similar concerning an applicant's suitability to join the Scheme.

3.2.4 An assessment of any Customer Satisfaction Surveys received about a business.

3.2.5 Any other information deemed relevant.

### 3.3 Publicity:

3.3.1 Lancashire County Council Trading Standards Service will make available upon request the details of businesses registered with the Scheme.

3.3.2 Lancashire County Council Trading Standards Service will maintain a publicly available website which will contain information about the Scheme, access to standard documentation and will also allow viewers to search for businesses by trade sector and/or geographical area.

3.3.3 Posters and leaflets promoting the Scheme will be on display in places of public interest.

3.3.4 Lancashire County Council Trading Standards Service will undertake various promotional activities throughout the course of each year in order to raise general awareness of the existence of the Scheme.

### 3.4 Additional Business Benefits:

3.4.1 An e-mail address will be provided for business queries about the Scheme or about trading standards/consumer protection legislation in general. Responses will be made within 5 working days.

3.4.2 Information on various current issues such as major changes to legislation will be disseminated to businesses via appropriate media.

## **4. FEES**

4.1 Membership of the Scheme is free.

4.2 Membership of the Scheme remains valid until otherwise notified by Lancashire County Council Trading Standards Service.

4.3 Lancashire County Council Trading Standards Service may introduce or amend any fees or charges pertaining to the Scheme on giving businesses six months written notice.

4.4 Where membership is suspended or withdrawn, there will be no refund of any membership fees that may have been paid.

4.5 Should the Scheme be suspended or terminated, appropriate proportional reimbursement of fees will be made. No reimbursement will be made in respect of advertising material or documentation.

**CONTACT DETAILS:**

Help Direct – Safe Trader Team  
LCC Trading Standards Service  
D21 County Hall  
Preston PR1 0LD

**Traders only**

Telephone: 01772 535199

Email: [safetrader@lancashire.gov.uk](mailto:safetrader@lancashire.gov.uk)

Website: [www.safetrader.org.uk](http://www.safetrader.org.uk)

**Consumers should contact:**

Help Direct: 0303 333 1111

Consumer Advice: 08454 04 05 06