

# **Consumer Codes Approval Scheme**

Core criteria and guidance

March 2008

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# 1 GUIDANCE ON THE CORE CRITERIA FOR THE CONSUMER CODES APPROVAL SCHEME (CCAS)

## Introduction

- 1.1 Following consultation,<sup>1</sup> the core criteria for the OFT's Consumer Codes Approval Scheme (CCAS) were published in July 2001. Before reading the detail of the core criteria guidance it is important to understand some of the general principles relating to the scheme and to code provisions. This guidance provides pointers, not rigid rules, to help code sponsors develop their codes to meet the core criteria. It does not provide advice on sector specific issues.

## Purpose of the CCAS

- 1.2 Codes will only be approved if we believe they will be effective in protecting and promoting consumer interests. The CCAS does not relieve businesses of their legal obligations. Nor should a code be limited to ensuring adherence to the law – compliance with the law is taken as read. Code sponsors should develop codes that offer consumers benefits beyond the protection afforded by law.

## Scope of the CCAS

- 1.3 The CCAS is committed to promoting business to consumer codes of practice that meet our core criteria and have obtained OFT approval. Codes that only cover business to business conduct cannot be considered under the scheme. For the CCAS, a code sponsor is defined as any body that administers voluntary business to consumer codes (as opposed to statutory codes) and can influence and raise standards within its sector. The Enterprise Act 2002 allows us to consider applications from a wider range of organisations than previously.

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<sup>1</sup> Consultation paper, reference OFT331, dated February 2001 entitled *The OFT's new approach to consumer codes of practice*.

## **Membership requirement**

- 1.4 It is a requirement for the CCAS that all eligible members of a code sponsor's organisation sign up to the code in order to ensure a consistency of message to consumers. Consumer could be misled if not all members are required to adhere to the code and yet can still advertise their membership of the sponsoring organisation.

## **Preparing your code**

- 1.5 The aim of the scheme is to put the 'self' back into self-regulation. Responsibility for drafting codes rests with code sponsors who have the necessary expertise in their sectors. We will not usually assist code sponsors in drafting their codes, but in exceptional cases we may do so.
- 1.6 The core criteria set out what we would expect to see in codes submitted to us for approval and what code sponsors' codes need to be able to demonstrate to get approval. We recognise elements of the core criteria may not be relevant to all sectors. We will always consider an alternative approach to meeting the core criteria if code sponsors put forward an acceptable case why the alternative proposed is more appropriate to their sector.

## **Presentation**

- 1.7 Code sponsors must ensure the language and content of their codes and any other associated documentation, can be easily read and understood by consumers. Print size must be large enough to be easily read. We recommend that code sponsors seek accreditation from an appropriate body that their code is in plain English. Code sponsors may wish to consider producing two different publications of the code with the notes/guidance/annotation being targeted towards member businesses and consumers respectively.

## Feedback

- 1.8 We welcome your feedback on the guidance. Comments should be sent to:

Office of Fair Trading  
Consumer Codes Approval Scheme  
Room 3C  
2-6 Salisbury Square  
London EC4Y 8JX

Alternatively email: [consumercodes@oft.gsi.gov.uk](mailto:consumercodes@oft.gsi.gov.uk) or  
Telephone: 020 7211 8987 or  
Fax: 020 7211 8757

### Organisation

# 1a

## Code sponsors should have a significant influence on the sector.

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### OUR AIM

To make sure that CCAS Approved code sponsors can influence and raise standards in their sector.

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### MORE INFORMATION

This is not a market share test. We will accept applications from code sponsors that can show at least one of the following:

- membership that includes a majority of firms in their sector
- a code that contains some of the more progressive elements in the industry
- a code of practice in a sector where one does not already exist
- a code of practice that provides more benefits for consumers than other codes in the same sector.

Organisations will normally need to agree a definition of the scope of the sector their code covers with the OFT before they can demonstrate how they meet this criterion.

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### TYPICAL EVIDENCE YOU COULD PROVIDE

- Background information about the sector in which you operate including:
  - the size and nature of the sector
  - significant businesses in the sector
  - specific trading practices in the sector, e.g. product rental, distance selling etc.
- Background information about your organisation, including:
  - how long you have been in existence
  - how many members you have
  - a list of your members
  - how much of the sector your organisation/code covers (OFT will not rule out dealing with code sponsors who do not represent a majority of firms)
  - details of any plans you have to expand your membership
  - details of any involvement you have in industry/trading initiatives either in your sector or in government initiatives
  - details of how long you have previously raised standards in your sector
  - how long your code of practice has been in operation
  - how you communicate with your members
  - details of any training courses that you run for your members
  - details of the structure and constitution of your organisation
  - where appropriate, details of any previous involvement your organisation has in raising standards in a sector which has a significant ethnic minority presence

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## CHECKLIST

- Provide background information about your organisation.
- Explain how your organisation can influence and raise standards in your sector.
  - If your membership includes a majority of businesses in your sector, give details.
  - If applicable, include any examples of your organisation's previous involvement in raising standards in a sector with a significant ethnic minority group presence
- If you don't meet the above criterion, i.e. you don't have a significant influence on your sector, explain why you think this criterion need not apply to your organisation.



### Organisation

# 1b

Codes shall include a provision that compliance with the code is mandatory. Code sponsors must be able to demonstrate that members are prepared to observe the code's provisions.

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#### OUR AIM

To make sure that all businesses that subscribe to a CCAS Approved code of practice will comply with its requirements.

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#### MORE INFORMATION

For a code of practice to effectively protect consumers, it must be mandatory that businesses that subscribe to the code have to comply with it at all times. We need to be satisfied that all members have demonstrated their readiness to comply with all of the provisions of the code.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A statement, addressed to members, that compliance with the code of practice is compulsory. This might be in:
  - your code of practice
  - the information you provide to your members before and when they join.
- Copies of code membership contracts that state that members must comply with your code at all times, and which members have to sign when they join your organisation. Ideally, such agreements or undertakings need to be signed by the member on joining the code, on annual renewal of membership/fees and when the content of the code is amended for any reason.

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#### CHECKLIST

- Explain how you make your members aware that it is mandatory for them to comply with your code of practice.
- Explain how your members agree to observe the code's provisions. Tell us how often they reaffirm their agreement to observe the code's provisions and how they do this.
- If you ask your members to sign some form of an agreement to observe your code, send a sample copy of the agreement with your application.
- Send us copies of any relevant information, e.g. the provision in the code.
- Explain how consumers know that it is mandatory for the member to comply with the code of practice.

### Organisation

# 1c

Code sponsors shall have adequate resources and funding to ensure the objectives of the code are not compromised.

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#### OUR AIM

To make sure that:

- consumers can be confident in the impartiality of code sponsors
- code sponsors can fulfil the obligations they have in the code of practice and undertake the monitoring required under the CCAS

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#### MORE INFORMATION

Code sponsors must have adequate funding and staff to fulfil their obligations. What constitutes adequate resources and funding depends on the size of code sponsors, what the code requires them to do, and the demands of their sectors.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Details of staff numbers assigned to administration of the code and a written statement that these are appropriate for the number of members you have.
- Details of the funds available to your organisation and a written statement that these are sufficient to cover the costs to operate your code of practice. and undertake the monitoring requirements under the CCAS.

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#### CHECKLIST

- Provide a written statement confirming adequate resource and funding.
- Give the number of staff who are employed on code-related matters. Describe the roles of these staff.
- Provide an organisation chart.
- Tell us how you are funded.

### Preparation

# 2a

Code sponsors shall be able to demonstrate that organisations representing consumers, enforcement bodies and advisory services have been adequately consulted throughout the preparation of the code.

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#### OUR AIM

To make sure that your code of practice is relevant to real consumer needs.

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#### MORE INFORMATION

Involving organisations that represent consumers, enforcement bodies and advisory services (collectively referred to in this guidance as 'advisory bodies') is a key factor in making sure that consumer codes of practice are relevant to real consumer needs.

In order for code sponsors to be able to meet this criterion the OFT will undertake and fully co-ordinate the consultation process at this stage. We will identify appropriate advisory bodies to consult based on the information supplied by the bodies themselves.

For some sectors, we may need to consult more widely, such as if a code sponsor's members sell products to the elderly or disabled, consultation with relevant charities might be appropriate. Where members target specific ethnic minority groups it may be appropriate to consult with advisory bodies which represent them.

We will advise code sponsors of the response received from the advisory bodies. Code sponsors will not be expected to include every proposal or suggestion in their code, although a written explanation why they have excluded a particular issue will be required.

This process will be co-ordinated by the OFT after your application has been received. The evidence requirements will need to be met by you after the consultation process has been completed.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A written confirmation that you have considered each of the issues raised by the advisory bodies, including details of how the provisions have been included in the code to deal with the issues raised and, if they have not been dealt with, why not.
- A written confirmation that you have:
  - suggested relevant organisations to include in the consultation if your members target ethnic minority groups
  - considered the issues raised by them as appropriate.

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#### CHECKLIST

- Provide evidence that you have acted on proposals or suggestions received from the advisory bodies.

### Preparation

# 2b

Code sponsors shall be able to demonstrate that organisations representing consumers, enforcement bodies and advisory services are being adequately consulted throughout the operation and monitoring of the code.

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#### OUR AIM

To make sure your code of practice stays relevant to real consumer needs.

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#### MORE INFORMATION

To remain effective, consumer codes of practice must evolve to cover changing market conditions/practices and consumer needs.

During our co-ordination of the consultation process for the preparation of the code (see criterion 2a) we will identify relevant advisory bodies that could be consulted throughout the operation and monitoring of the code.

These advisory bodies should be involved in the operation and monitoring of the code of practice to advise on existing and emerging issues for consumers in their sector that are or could be addressed by the code.

The amount and frequency of activity required for overseeing the operation and monitoring of the code and the mechanisms for doing this will vary from sector to sector.

Code sponsors are responsible for conducting the consultation process with the advisory bodies. The consultation process may involve paper exchanges or regular review meetings or, ideally, a combination of both. Whichever process is adopted, the OFT **must**:

- be provided with the opportunity to feed into the consultation
- get to see all the documentation
- know what the eventual outcome of the process is.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE FOR STAGE TWO

- Evidence that you are consulting with advisory bodies and the OFT by:
  - circulating and seeking input on complaint and compliance information within agreed timescales
  - issuing invitations to attend regular review meetings

Evidence, where appropriate, you are consulting with representatives of ethnic minority groups as part of the consultation with advisory bodies.

- Confirmation that you have considered each of the issues raised by the advisory bodies.
- Details of how you have dealt with the feedback from advisory bodies.
- Evidence might include copies of meeting invitations or meeting minutes. We will need to see evidence and we will not accept unsubstantiated claims you are consulting these organisations.

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#### CHECKLIST

- Explain how relevant advisory bodies will be consulted throughout the operation and monitoring of your code of practice.
- If you have not addressed any suggestions for change to your code of practice that have come from one of these organisations, explain why not.

### Content

# 3a

The code shall include measures directed at the removal or easing of consumer concerns and undesirable trade practices arising within the particular sector.

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#### OUR AIM

To end undesirable trade practices.

To ease consumer concerns about undesirable practices.

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#### MORE INFORMATION

Code sponsors should be aware of particular issues in their sector that need to be addressed. Involving advisory bodies is likely to be a key factor in making sure that codes of practice cover relevant issues for consumers. We will inform code sponsors of undesirable practices or concerns that we are aware of and think should be addressed.

Code sponsors will be required to explain how such issues have been addressed in their code. If there are consumer concerns or undesirable practices that the code sponsor is aware of but which are not currently addressed by the code, we will need an explanation of why this is so.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice that address specific consumer concerns or undesirable trade practices.
- Information on how your organisation makes itself aware of consumer concerns and undesirable practices. Typical measures might include:
  - monitoring the nature of complaints
  - monitoring press coverage of your sector.
- Details of how you have reacted to concerns that have been raised from all sources used, and the measures you have taken to ease them.
- List the areas of concern and undesirable practices that you consider exist in your sector with details of how you aim to eradicate them.
- Confirmation that your code includes measures to address specific detriment affecting ethnic minority groups if this has been identified from the consultation with advisory bodies.

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#### CHECKLIST

- Describe the relevant requirements in your code of practice.
- Explain how you stay aware of consumer concerns and undesirable practices.
- Explain how your code of practice addresses consumer concerns and undesirable practices.
- List the areas of concern and undesirable practices that you consider exist in your sector with details of how you aim to eradicate them.

### Content

# 3b

The code shall require that code members ensure that their relevant staff know about and meet the terms of the code as well as their legal responsibilities. Appropriate training is to be provided.

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#### OUR AIM

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

- the requirements of the code sponsor's code of practice
- the law relating to the business's dealings with consumers and the standard of special skill and care which members may reasonably be expected to exercise towards consumers, commensurate with honest market practice and/or the general principle of good faith in their field of activity.

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#### MORE INFORMATION

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

The extent of the staff training required will vary depending on the staff member's role and the sector. Not all staff will need to be trained to the same level.

If a staff member deals with customers, perhaps as a salesperson or in customer service, they must have a good understanding of consumer law and be trained in the company's customer service policy. They must also know what the code of practice means for them and for their customers.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Your code of practice clearly states that members must provide relevant and effective training to make sure that their staff understand:
  - the code's provisions
  - their own legal obligations to consumers and responsibilities under the code.
- Additional evidence may include details of any training courses on your code of practice and/or on relevant law that you run for your members or for their staff.
- Evidence of all relevant staff training.

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#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.
- Explain any other ways that you make your code members aware of their obligations.

### Content

# 3c

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

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#### OUR AIM

To make sure that consumers are protected from misleading advertising.

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#### MORE INFORMATION

Advertisements must comply with any relevant code of advertising including:

- the British Codes of Advertising, Sales Promotion and Direct Marketing
- the Television Advertising Standards Code
- the Radio Advertising Standards Code
- the PhonepayPlus code for all premium rate charged telecommunication services
- any other relevant code of advertising
- all other relevant statutory requirements, such the Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Credit (Advertisements) Regulations 2004 (as amended).

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice.

Your code of practice must clearly state that advertisements must comply with any relevant code of advertising and/or legislation – as listed above.

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#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.
- Indicate which codes of advertising are relevant to your sector.

### Content

# 3d

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

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#### OUR AIM

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

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#### MORE INFORMATION

A code of practice must require that pre-contractual information is made available to consumers. The pre-contractual information must include clear and accurate:

- information about the main characteristics of the product
- details of the trader's name and geographical address
- details of any other trader's name and geographical address on whose behalf the trader is acting
- 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
- pricing information showing the total price and a breakdown, where appropriate, of how that price has been reached including:
  - delivery charges
  - VAT charges
  - credit charges by compliance with the Consumer Credit Act and Regulations
  - any other costed items and whether optional or mandatory.
- information about delivery, payment and any other performance arrangements
- information about withdrawal or cancellation rights
- information about complaint and after sales procedures
- information on the availability and price of linked goods and services, such as routine servicing and phone helplines.
- pre-contractual information must be available in writing and provided to consumers on request, but in any event adequate information should always be given in a form which is accessible to the consumer.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- The code clearly states that pre-contractual information, as appropriate to the sector, must be made available to consumers, and what information must be given as a minimum.
- The code also states that pre-contractual information must be clear and accessible, and available in written form if requested.
- The code should detail what the information should cover as a minimum in the particular sector.
- The code should require its members to ensure that this information is always provided.
- Confirmation that there is a requirement within your code that information will be made available to individual consumers on request in alternative formats as appropriate (other languages, Braille, audio) where advisory bodies have indicated there is specific consumer detriment affecting these groups within the sector covered by the code.

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#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.

### Content

# 3e

The code shall address high-pressure selling as appropriate to the sector.

---

#### 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

A code of practice 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.

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice.
- Your code of practice must clearly state that high-pressure selling must not be used.
- Details of any measures taken by the code sponsor to remove or reduce the possibility of consumers being subject to high-pressure selling techniques, such as training courses to members' sales staff in selling methods.

---

#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.

### Content

# 3f

The code shall address clear terms and conditions of supply and fair contracts as appropriate to the sector.

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#### OUR AIM

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

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#### MORE INFORMATION

Code members must take account of 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.

We believe that model terms and conditions may be the most cost-effective way for code sponsors to ensure that their members are given effective guidance on suitable contract terms. By providing model terms, code sponsors can encourage their members to use the terms or to use the terms as guidance when members draft their own terms.

We are happy to review on model terms and have previously reviewed sector-wide terms with some trade associations.

If code sponsors do not have model terms, we do not insist that they produce them.

The OFT has issued other guidance on unfair contract terms, including comprehensive guidance on the application of the regulations to contracts for the sale of goods and services which was issued in February 2001.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- The code of practice must clearly state that members must comply with the Unfair Terms in Consumer Contracts Regulations 1999 when drawing up their contracts.
- Evidence of how you ensure that your members are aware of the Regulations. This might include:
  - details of your model terms and conditions recommended to members
  - guidance that you provide on fair contracts
  - guidance that you provide on suitable contract terms.
- Confirmation that there is a requirement within your code that information will be made available to individual consumers on request in alternative formats as appropriate (other languages, Braille, audio) where advisory bodies have indicated there is specific consumer detriment affecting these groups within the sector covered by the code.

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#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.
- Provide a copy of any model terms that you recommend to members. Give details of any discussions you have had about the model terms with the Contract Regulation Unit at the OFT. Or explain why you have not held any discussions.

If you do not have model terms, explain how you provide guidance on suitable contract terms to your members.

### Content

# 3g

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

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#### OUR AIM

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

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#### 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.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- The code of practice clearly states that 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
  - offers of suitable alternatives when delays occur and ultimately appropriate remedies.

---

#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.

### Content

# 3h

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

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#### OUR AIM

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

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#### MORE INFORMATION

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

- are provided in law
- they offer although not required by law.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice which include a statement of your members' responsibilities on cancellation rights.
- Your code of practice will include clear details of any additional cancellation rights that you require your members to offer.
- Confirmation that there is a requirement within your code that information will be made available to individual consumers on request in alternative formats as appropriate (other languages, Braille, audio) where advisory bodies have indicated there is specific consumer detriment affecting these groups within the sector covered by the code.

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#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.

### Content

# 3i

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

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#### OUR AIM

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

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#### GUIDANCE

Code 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.

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

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

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice.  
We expect this to include a statement of members' responsibilities for meeting the requirements set out in the guidance above.
- Confirmation that there is a requirement within your code that information will be made available to individual consumers on request in alternative formats as appropriate (other languages, Braille, audio) where advisory bodies have indicated there is specific consumer detriment affecting these groups within the sector covered by the code.

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#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.

The code shall address protection of deposit or prepayments as appropriate to the sector.

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#### OUR AIM

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

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#### MORE INFORMATION

Where the loss of deposits and/or prepayments would cause the consumer to suffer financial detriment or inconvenience (as determined by the OFT and identified by advisory bodies), code sponsors must make sure that protection mechanisms are in place so that consumers will have their advance payments fully and speedily refunded if a code member is unable to meet a promise to supply 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 or in cases of fraud. The protection should still apply if the business ceases to be a code member before the promise is met.

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

Code members must make consumers aware of these provisions in clear pre-contractual information.

**Factors to be taken into consideration when OFT assesses the risk of loss of prepayments/deposits and potential consumer detriment for the transaction or sector (non exhaustive)**

- High risk of loss of prepayments/deposits within the sector identified from consultation with advisory bodies
- History of detriment to consumers within the sector because of loss of prepayments/deposits due to non-fulfilment of orders or by traders going out of business or by traders acting fraudulently
- Future assessment of risk of loss of prepayments eg market stability, level of business turnover, willingness of other code members to step in to fulfil commitments following the collapse of traders

#### Examples:

**1. Deposits/prepayments – where we are likely to require formal protection systems to be in place.**

- Where the consumer detriment arising from loss of deposits/prepayments is significant due to serious inconvenience and/or financial loss. The replacement of the goods/service would be considered a necessity. Typical consumers for these types of products would be identified as vulnerable or on low incomes. An example would be the supply of assistive products for the elderly.
- Where the risk of loss is low, but the impact of such loss on the consumer is high. An example would be the purchase of personal health products such as spectacles.
- In sectors where prepayments/deposits are routine and the risk of loss through fraud is considerable.

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## 2. Deposits/prepayments – where we might not require a formal protection system to be in place

- Where the consumer detriment arising from loss of deposits/prepayments relates to minor inconvenience and/or low financial loss. The replacement of the goods/service would be a matter of choice rather than necessity. Consumers generally understand there is a real chance that they may lose money by paying up front, but this is mitigated by issues such as convenience, or the opportunity to purchase an item which is not easily obtainable by other means. An example would be a magazine subscription
- Where the consumer detriment arising from the loss of the service or goods would be high and immediate but code sponsors can provide evidence that there are proven, effective safety nets operating within the sector where for example, another business will fulfil the contract.

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### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice that members have mechanisms in place to protect consumer deposits and prepayments.
- Details of the types of protection mechanisms used by members, which could include but is not limited to:
  - insurance backed schemes
  - financial bonds
  - trust accounts
  - ring-fenced client accounts
  - central funds
  - contractual obligations on other members to complete a particular transaction should the contracted member be unable to do so.

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### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.
- Explain the ways in which your code members ensure that advance payments are protected.



### Content

# 3k

The code shall address customer service provisions as appropriate to the sector.

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#### OUR AIM

To make sure that consumers are provided with effective and appropriate customer service.

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#### MORE INFORMATION

Customer service has a wide definition and will vary by 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.

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

Whenever possible, customer service that goes beyond the requirements of law should be provided free or at a reasonable charge. We would regard it as unreasonable to charge premium rates for calls to after-sales service phone numbers

Customer service is not the same as complaint handling, which we cover elsewhere in the core criteria. It is useful to remember though that effective customer service provisions can help avoid complaints.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice that members have accessible, user-friendly, free or reasonably charged customer service provisions.

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#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.

### Content

# 31

The code shall address the additional effort/help to be provided to vulnerable consumers as appropriate to the sector.

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#### OUR AIM

To protect vulnerable consumers.

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#### MORE INFORMATION

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

Vulnerable consumers include those:

- with a disability that may put them at risk of making an incorrect or inappropriate decision
- 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
- where English is not the first language and English is the only language in which material is available.

Vulnerable consumers cannot be defined solely in the context of the Disability Discrimination Act.

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

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice.  
We expect this to include a statement of the additional effort and help that members must provide to vulnerable consumers.
- Confirmation that there is a requirement within your code that information will be made available to individual consumers on request in alternative formats as appropriate (other languages, Braille, audio) where advisory bodies have indicated there is specific consumer detriment affecting these groups within the sector covered by the code.
- Confirmation that you have considered race equality issues and that these have been included as appropriate within the code.

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#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.

### Complaints

# 4a

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

---

#### OUR AIM

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

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#### MORE INFORMATION

Code members' point of sale, pre-contract material and contractual material must publicise access to the complaints system.

Code members must fully inform consumers of the key elements of the complaint system, including:

- 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.

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice.
- Evidence of any guidance you provide for your members on complaint handling.

---

#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.
- Tell us whether you provide guidance to code members on how to handle complaints effectively. If you do, describe the guidance you give and send copies of any material you provide.

### Complaints

# 4b

The code shall include a requirement that code members will offer the same level of co-operation with local consumer advisers or any other intermediary acting on behalf of a consumer when making a complaint as they would to the complainant.

---

#### OUR AIM

To ensure code members provide the same level of co-operation to an 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 code member to say they will deal direct with the consumer only.

The code must make this requirement clear.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice.

---

#### CHECKLIST

- Tell us which are the relevant requirements in your code of practice.

### Complaints

# 4c

The code shall include procedures for dealing with complaints including the availability of conciliation services directed at arranging a decision acceptable to both parties.

---

#### OUR AIM

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

---

#### MORE INFORMATION

If a code 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 code member and the complainant.

The conciliation service must be subject to reasonable time limits, and the code member must tell the complainant what these time limits are.

The most appropriate type of conciliation service will depend on the sector. A code sponsor could provide the conciliation service.

If a complaint has still not been resolved following the use/assistance of the conciliation service, the complainant must be allowed access to the independent redress scheme (see core criterion 4d). Access to the independent redress scheme must not be restricted in any way and must not to be subject to the approval of the code sponsor.

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice.
- A written description of the conciliation service and the conciliation process.
- Evidence of how you publicise the conciliation service to consumers including copies of materials.
- Written statement from the code sponsor confirming that they will arrange for a conciliation service to be available.

---

#### CHECKLIST

- Explain who provides your conciliation service.
- Explain what the procedures for using the service are.
- Explain how you publicise the conciliation service to consumers.
- Tell us which are the relevant requirements in your code of practice.

### Complaints

# 4d

The code shall include the availability of a low-cost, speedy, responsive, accessible and user-friendly independent redress scheme to act as an alternative to seeking court action in the first instance.

The scheme shall be binding in respect of code members who shall not be able to refuse to allow a complaint to go before the scheme if a customer so chooses.

The code member shall be bound to accept a decision made under the scheme. Any such scheme shall be able to take into account possible breaches of the code where relevant to the complaint.

---

#### OUR AIM

To make sure that if a complaint has failed to be resolved by the conciliation service, an independent redress scheme is readily available for consumers to use.

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#### MORE INFORMATION

Consumers must be given confidence that the independent redress scheme will:

- be fair
- be impartial
- be effective
- resolve complaints speedily.

This should mean that consumers will be able to resolve their case more easily and cheaply than by going to court.

The independent redress scheme:

- should be free for the consumer if possible
- must allow direct access for consumers – access must not be subject to the approval of the code sponsor
- must be easily accessible to the consumer without the assistance of a legal representative

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- must make its procedures clear including the provision when requested of information on:
  - the types of disputes which may be referred
  - the rules governing the referral of matters to the redress scheme
  - the possible costs of the procedures
  - the decision-making arrangements
  - the rules serving as a basis for decisions (legal provisions, codes of conduct etc)
  - the legal force of a decision, stating clearly whether it is binding only on the member or on both parties.
- must make its decisions and the reasons for them transparent to relevant parties, including the consumer.
- must be independent of the sponsor – if a code sponsor uses a board or panel, the entire membership of the board or panel must be independent of the code sponsor and its subscribing members. If a code sponsor appoints an individual as an arbitrator, that person must be independent of the sponsor and its subscribing members.
- should appoint arbitrators for a period of office of sufficient duration to ensure the independence of their actions and not be removable from their duties without just cause – this requirement does not apply to arbiters who are appointed only for specific cases.
- must allow all the parties concerned to present their viewpoint and see or hear the arguments and facts put forward by the other party whether in an oral hearing or within a paper-based decision-making process.
- should give the arbiter an active role and enable him to take into consideration points not raised by the parties that are relevant to the determination of the dispute.

We accept arbitration as an independent form of redress, even though the right to subsequently take the dispute to court is restricted by the Arbitration Act 1996.

In order to ensure impartiality, any arbitrators, adjudicators or ombudsmen adjudicating under the redress scheme cannot also sit on the code sponsor's disciplinary panel (see criterion 6a).

In cases where there is a genuine need for an opinion from a technical expert, a suitably qualified or experienced person can be brought into the proceedings to provide evidence.

When reaching a decision, the independent redress scheme can take into account whether a breach or breaches of the code have taken place. All decisions must be passed back to the code sponsor who must use each decision to:

- invoke any procedures for dealing with issues of a member's non-compliance with the code
- consider whether the decision raises any issues that indicate amendments to their code of practice are necessary.

We recognise that some code sponsors are concerned about encouraging vexatious complaints. We believe that this is a relatively minor problem and that it is not possible to devise an effective redress mechanism if its focus is on keeping out the minority of vexatious complainants.

In order to safeguard the consumer's right to access the redress scheme where a member business with a claim against a consumer wishes to institute court proceedings, the consumer should be given the opportunity to choose whether they want it to be dealt with through the redress mechanism.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Relevant requirements in your code of practice.
- A written explanation of the redress scheme and the process, such as the rules or the terms of reference of the scheme and the eligibility criteria for the arbiter(s) or constitution of the board or panel.
- Evidence of how you publicise the redress scheme to consumers and copies of information materials on the scheme supplied to them.

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#### CHECKLIST

- Explain how your redress scheme:
  - is available at low cost to consumers
  - is speedy
  - is accessible
  - is user-friendly
  - is effective in resolving disputes
  - refers all decisions and possible code breaches to the code sponsor
  - is completely independent
  - is binding on a code member.
- Provide a copy of your redress scheme with your application.
- Explain what the procedures for using the redress scheme are.
- Explain how you bring the redress scheme to the attention of consumers.
- Tell us which are the relevant requirements in your code of practice.



### Monitoring

# 5a

The code sponsor shall develop performance indicators, e.g. mystery shopping exercises and independent compliance audits, to measure the effectiveness of the code.

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#### OUR AIM

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

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#### MORE INFORMATION

Performance indicators are methods used by the code sponsor which provide it with information which it can use to see if the code is in practice delivering benefits to consumers and reducing consumer detriment. They allow it to gauge the effectiveness of its code. The core criterion suggests two examples of performance indicators that could be used. We are not stating that you must use these methods but you must be able to demonstrate that the methods you do use are an appropriate and effective performance indicator for your sector.

Proposals for the performance indicators that the code sponsor intends to use must be agreed with us at Stage One. Code members must be made aware that their adherence to the code of practice 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 code sponsor. This means consumer feedback (such as that obtained by using independently conducted customer satisfaction surveys (see criterion 5f)) may be a key measure of the extent to which code members are adhering to the code and its overall effectiveness.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A written undertaking giving full details of the performance indicators that you use or will use and any evidence of their effectiveness.

It is not sufficient for you to rely solely on complaint information to meet this criterion.

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#### CHECKLIST

- Describe the performance indicators that you use or will use and explain how you use or will use the information you gather.
- Provide details of sample sizes and distribution proposals if you have them.
- Explain why you think your chosen performance indicators are appropriate and effective for your sector.

### Monitoring

# 5b

The code sponsor shall implement the performance indicators and make available the results of their monitoring procedures and satisfaction surveys to demonstrate the effectiveness of the code.

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#### OUR AIM

To make sure that the results of the code sponsor's monitoring procedures (which it uses to assess information obtained from its performance indicators) can be checked and reviewed by others.

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#### MORE INFORMATION

We expect code sponsors to be ready to respond quickly to requests for information on the results of their performance indicators or the effectiveness of codes or code sponsors.

Results of the performance indicators must be provided to the OFT at the intervals agreed during Stage One and should be widely available on request following approval of the code.

We expect code sponsors to include the results of the performance indicators in their annual reports to the OFT on the operation of the code as required under criterion 5c.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A written undertaking that you will provide the results of your performance indicators to the OFT during Stage Two, and more widely following approval.
- Information on how you will make this information available

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#### CHECKLIST

- Confirm that you will provide the results of your performance indicators to the OFT and also more widely on approval.
- Tell us how you will make the results available eg on your website.
- Explain what procedures you have in place to respond quickly to requests for information from the OFT.

### Monitoring

# 5c

The code sponsor shall provide a written report annually to the OFT on the operation of the code to include:

- changes to the code agreed with the OFT and implemented
- numbers and types of complaints including information on outcomes from the conciliation process and the independent redress scheme
- results from monitoring, satisfaction surveys and the disciplinary process.

It would be preferable if the report were compiled by an independent person or body with powers to recommend actions

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#### OUR AIM

To make sure that the operation of the code can be checked and reviewed by the OFT

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#### MORE INFORMATION

The annual report should be provided to the OFT on or just before the anniversary of the code achieving approval.

The report must cover all aspects of the operation of the code of practice including:

- compliance checks
- sanctions imposed for non-compliance
- any changes to the code that a code sponsor has agreed with the OFT and implemented
- information on the outcome of complaints with details of the number of complaints decided in favour of consumers or businesses and what remedies were recommended and implemented.
- outcomes and results of the agreed performance indicators.

The format of the annual report is a decision for the code sponsor, but we can supply example formats used by other code sponsors if necessary.

This criterion stipulates that it would be **preferable** if the annual report were compiled by an independent person or body, as this would provide an objective view on the operation of the code and recommendations for actions. However, this is not essential in order for this criterion to be met.

Changes to the code which need to be notified to the OFT include any fundamental changes which may affect compliance with any of the core criteria and also any that were made as a result of addressing concerns raised by advisory bodies as part of the consultation exercise. Any changes to the code must be agreed with the OFT before they are implemented.

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A written statement from the code sponsor confirming that the report on the code will include the information listed above.

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#### CHECKLIST

- Tell us who will compile the report and who will have a role in editing it.
- List the information that your annual report on the operation of the code will include.

### Monitoring

# 5d

The code sponsor shall provide copies of the annual reports to the OFT.

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#### OUR AIM

To make sure that the requirements of criterion 5c are met.

To assist the OFT in monitoring the operation of the code.

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#### MORE INFORMATION

The annual report on the operation of the code is a key opportunity to reflect and address concerns thrown up by compliance checks and complaints.

Code sponsors must complete the annual report within three months of the end of the year they are reporting on.

Code sponsors must provide a copy of the report to OFT within one month of it being completed.

Code sponsors should also consider providing a copy of the report to other interested groups and individuals.

Code sponsors must feed proposals for improvements arising from compliance monitoring into their annual reports on the operation of their code.

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Your undertaking to provide reports on your code of practice to us.

It is unlikely that you currently provide reports on your code of practice to us. We need you to give an undertaking that you will do this in the future.

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#### CHECKLIST

- State when you will complete your annual report on the operation of the code.
- State when you will send a copy of the report to us.

### Monitoring

# 5e

The code sponsor shall regularly review the code and update its provisions in the light of changing circumstances and expectations

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#### OUR AIM

To make sure that codes of practice keep pace with changing market and industry practices and expectations.

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#### MORE INFORMATION

Market conditions can change rapidly. Code sponsors must ensure that their code of practice continues to reflect market conditions and practices despite these changes.

Code sponsors must review their codes regularly enough to ensure that the code's provisions are kept up to date in light of the changing circumstances in their sector. How often a code sponsor must do this will depend on the pace of change in their sector.

Independent scrutiny of the annual report will help inform and formalise the review process. This does not prevent code sponsors from instigating a full, formal review at least every three years.

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Details of the procedures you have in place to make sure that your code of practice is:
  - regularly reviewed
  - updated when necessary to reflect changing circumstances and expectations.
- A written statement confirming:
  - how often you will review your code
  - that the code will be updated as necessary.

---

#### CHECKLIST

- Explain what procedures you have in place to make sure that your code of practice is updated when necessary to reflect market conditions.
- Explain how often you will review your code of practice.

### Monitoring

# 5f

## Consumer satisfaction shall be regularly assessed.

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### OUR AIM

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

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### MORE INFORMATION

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

We expect the code sponsor or, ideally, an independent party to conduct consumer satisfaction assessments annually at least.

It is up to the code sponsor to decide the best way to assess consumer satisfaction. One way could be for the code sponsor (or independent body) to periodically send out questionnaires to code members' customers. Another could be for members to steer customers to a questionnaire on the code sponsor's website via details included on its invoices. We are not prescriptive regarding the types of questions that should be included in any questionnaires used, but the questions should be sufficiently phrased to be able to gauge how happy a consumer has been in transacting with a member. Obligations under the Data Protection Act will need to be considered in relation to the disclosure of information. Proposals for the means by which code sponsors will assess consumer satisfaction must be agreed with the OFT at Stage One.

---

### TYPICAL EVIDENCE YOU COULD PROVIDE

- For Stage One, we require:
  - a written undertaking that you will regularly measure consumer satisfaction, and
  - details of how you will assess consumer satisfaction.
- For Stage Two, we will require evidence of your assessments of consumer satisfaction.

---

### CHECKLIST

- Explain how you assess, or plan to assess consumer satisfaction.
- Tell us how often you will carry out your assessments.
- You are likely to have the following information only if you already assess consumer satisfaction. If you do have this information, please provide the following details:
  - sample sizes
  - copies of any questionnaires you use
  - copies of the procedures you follow for conducting the assessments
  - a summary of the results.

### Enforcement

# 6a

Code sponsors shall establish a procedure for handling non-compliance by members with the code. The procedure shall include independent disciplinary procedures and reasonable timescales for action.

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#### OUR AIM

To make sure that any breach of a code of practice is dealt with as effectively, impartially and quickly as possible.

---

#### MORE INFORMATION

A code sponsor's procedure for handling non-compliance must:

- deal effectively with breaches of the code of practice
- be fair to the member who is being investigated.

The disciplinary procedures must be

- independent of code sponsors and their members, and
- independent of the industry.

To be independent the procedures must have no present or past association, either directly or indirectly with the code sponsor's sector

We believe that the procedures will only be credible to consumers and fair to members if there is some form of independent scrutiny or involvement.

We believe it will benefit code sponsors, code members and consumers if the outcomes of any investigations into code breaches are publicised.

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

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Details of your procedures for handling non-compliance, such as a written description of the system.
- Internal documentation on the disciplinary procedure, including its functions and powers (including sanctions available) and membership.
- Guidance given to members on the procedure.
- You may have an independent person or body in place to:
  - deal with non-compliance with the code and/or
  - monitor how you deal with issues of non-compliance.

You may have a board or committee that deals with disciplinary procedures. If you do, we expect there to be at least 50 per cent independent representation on that board or committee. The board or committee should also have an independent chair. This is because we believe that a single independent member of a board or committee is unlikely to be able to significantly influence decisions.

If your organisation does not meet this criterion, you must explain why it does not meet it and prove that your methods of dealing with cases of non-compliance are effective.

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## CHECKLIST

- Describe the procedures you have in place for handling issues of non-compliance.
- Explain how these procedures meet the criterion.
- Tell us what the timeframes are for the procedures.
- Tell us how you publicise the procedure to consumers.
- Describe where your code describes your independent disciplinary procedures.
- Describe what your independent disciplinary procedures are and provide documentation.
- Describe who sits on your board or committee. Explain whether these people are independent or work within your sector.



### Enforcement

# 6b

The code sponsor shall also set out a range of sanctions, e.g. warning letters, fines, termination of membership, for dealing with non-compliance.

---

#### OUR AIM

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

---

#### MORE INFORMATION

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

We believe that failure to impose adequate sanctions will bring a code of practice into disrepute.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Details of the range of sanctions you will use against members who breach your code of practice.
- Information on how you publicise the range of sanctions.

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#### CHECKLIST

- Explain what your sanctions are.
- Explain how the sanctions escalate and what sort of cases each sanction will be used in.
- Tell us how you publicise the sanctions.

### Publicity

# 7a

Code sponsors and 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 of practice.

---

#### MORE INFORMATION

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

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

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A written statement describing how you propose to ensure customer awareness of your code, including examples of:
  - literature you will produce
  - brochures you will distribute
  - posters you will produce for display in members' premises.

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

A written statement confirming that you and your members will ensure that copies of the code and other code publicity material will be made available to individual consumers on request in alternative formats as appropriate (other languages, Braille and audio) where advisory bodies have indicated, (and provided evidence), that there is specific consumer detriment affecting these groups within the sector covered by the code.

---

#### CHECKLIST

- Explain how you will make consumers aware of the benefits of dealing with an organisation that subscribes to your code of practice.

### Publicity

# 7b

Code members are to make clear, e.g. in advertising, point of sale, their adherence to a code of practice.

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#### OUR AIM

To make sure that consumers can easily identify traders who adhere to a code of practice.

---

#### MORE INFORMATION

Effective publicity is essential for communicating the benefits of dealing with an organisation that subscribes to a code of practice.

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

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- Details and examples of how your members make it clear that they adhere to a code of practice.
- Relevant requirements in your code of practice.

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#### CHECKLIST

- Explain how you will ensure your members advertise that they adhere to your code of practice. Provide details of how you do this now.
- Provide examples of how your code members show that they adhere to a code of practice.

### Publicity

# 7c

Copies of codes shall be available without charge to customers, to members, to local consumer advisers and to others with a legitimate interest.

---

#### OUR AIM

To make sure that codes of practice are freely available for customers and other interested parties.

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#### MORE INFORMATION

Code sponsors must make sure that copies of their code of practice are readily available. When it's not possible for copies of the code of practice to be available, contact details for getting copies must be readily available.

We do not think that there should be a charge for copies of the code of practice for those with a legitimate interest.

Consumers must easily be able to get a hard copy of a code of practice. In practice this will mean they can get a hard copy of the code:

- from a code sponsor's premises or code members' premises
- by phoning a code sponsor or code member
- by writing to a code sponsor or code member.

Code sponsors and code members should also consider making copies of the code of practice available in different media including:

- on any website that they publish
- by email
- in other languages
- in Braille.

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

---

#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A written statement agreeing that copies of your code of practice will be freely and readily available to consumers and other interested parties in various formats.

---

#### CHECKLIST

- Explain how you will make copies of your code of practice readily available.
- Explain in what formats the code will be available.
- Confirm that copies will be provided to consumers etc at no charge.

### Publicity

# 7d

Copies of any code related publicity generated by the code sponsor shall be provided to the OFT in advance of publication.

---

#### OUR AIM

To make sure that any code of practice related publicity material that a code sponsor issues is accurate and correctly describes the code sponsor's relationship with the OFT and the CCAS.

---

#### MORE INFORMATION

We want to see material that makes more than a passing reference to a code sponsor's relationship with the OFT so that we can satisfy ourselves that nothing can be misconstrued from its contents.

We do not expect to see all code of practice related publicity material.

There have been situations where we have had to correct material that was incorrect or potentially misleading. Please remember to always ask us to comment on any material that makes more than a passing reference to your relationship with us before you publish it. In the cases where we were shown copies early enough, we were able to amend wording before they were published. In other cases we had to ask code sponsors to correct material after it had been published.

Such publicity could include articles in trade magazines or other publications, promotional leaflets and other marketing literature, text on a website and press releases.

Code sponsors should endeavour to pass draft publicity to us at least two weeks prior to publication, and we will aim to provide our views on it within 3 working days of receipt.

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A statement that you are willing to clear code-related publicity information with the OFT before you publish it.

---

#### CHECKLIST

- State whether you are willing to clear code-related publicity information with the OFT before you publish it.
- Explain the procedures you have in place to make sure that this happens.

### Publicity

# 7e

Code sponsors and members shall publicise the fact that the OFT has approved the code by using the CCAS logo in the prescribed manner.

---

#### OUR AIM

To increase the effectiveness of the CCAS by building awareness of the scheme.

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#### MORE INFORMATION

We want consumers to be able to easily identify businesses that have made a commitment to operate higher levels of customer service under an OFT [Approved code](#).

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A statement that you and all your members are willing to publicise the OFT's approval of your code of practice by using the CCAS logo in accordance with the terms of the copyright licence.
- Relevant requirement in your code of practice that members will have to comply with the terms of the licence that will govern the use of the logo.

---

#### CHECKLIST

State whether you and all your members are willing to publicise that the OFT has approved your code of practice and to display the CCAS logo.

### Publicity

# 7f

Code sponsors shall comply with the terms of the standard copyright licence, disseminate the terms to their members and monitor their members use of the CCAS logo. Appropriate action shall be taken by the code sponsor against a member for non-compliance with the copyright licence.

---

#### OUR AIM

To ensure that the CCAS logo is only used in accordance with the standard copyright licence as amended from time to time.

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#### MORE INFORMATION

We want consumers to have confidence that the logo is being used correctly by code sponsors and businesses and that misuse is dealt with appropriately.

Once a code is approved code sponsors are required to sign a copyright licence in standard terms setting out the terms and conditions of use in order to obtain permission to use the CCAS logo. The code sponsor is responsible for disseminating the terms of the copyright licence to all of its members. Non-adherence to these terms may result in OFT terminating the right of the code sponsor and/or member to use the logo and possibly also withdrawal of approval of the code.

The code sponsor will also be obliged to monitor its members' use of the CCAS logo and take necessary action if the member uses the logo in breach of the usage terms.

Code sponsors are required to:

- Notify the OFT on approval of a list of all their members in the prescribed format
- Disseminate to each member a copy of the terms and conditions for usage of the logo
- Inform the OFT of any changes to its membership in the prescribed format within five working days of the change
- Provide a full list of members to the OFT on a monthly basis
- Conduct regular checks to ensure their members adhere to the terms of use and take action as appropriate
- Notify the OFT if the OFT's contractual right to suspend or terminate under the licence is triggered

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#### TYPICAL EVIDENCE YOU COULD PROVIDE

- A statement that you are willing to sign the copyright licence and disseminate the terms on use of the CCAS logo to your members, to monitor usage, and take necessary action against a member for non-compliance with the usage terms.
- Relevant requirement in your code of practice that members will have to comply with the terms of the licence that govern the use of the logo.

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#### CHECKLIST

State whether you are willing to sign and abide by the terms of the standard copyright licence, monitor and supervise your members usage of the CCAS logo and take appropriate action for misuse of the logo, such as providing informal advice, issuing warnings and taking formal disciplinary action.