

## British Association of Removers - Consumer Code of Practice

### Audit March 2015

#### Background information

The British Association of Removers (BAR) has its origins in an association set up in 1900. BAR in its current form was created in 1973. The British Association of Removers Consumer Code currently has 442 members based at 600+ locations. This equates to 60% -70% of the professional removals market. Man & Van and “cash in hand” operators still create considerable consumer detriment.

The “Rightmove” website now only recommends BAR members, which are split into 3 main functional groups. All members must belong to the domestic mover group. In addition, there are approximately 50 members that carry out commercial moves and a further c60 members that provide overseas moves. The commercial moving and overseas moving operations now have their own satellite websites.

The sizes of members vary considerably. Approximately 85% of the membership is small to medium sized enterprises, but there are also some larger members including all of the major removals brands.

BAR are instrumental in the development of the Trailblazers scheme – playing a lead role in overall supply chain apprenticeships. This will mean a complete restructuring of the industry training and BAR are at the heart of this work.

The new Worldwide Regulations on shipping container weights needing to be declared in advance are also going to have a considerable impact on members. BAR are working with partners including the Freight Transport Association on this issue.

#### Audit Process

Two qualified trading standards professionals from the Trading Standards Institute (TSI) completed a one day onsite audit. The audit focused on the following areas:

1. Member application process including checks carried out on prospective businesses
2. Member auditing-content and process (including general compliance with the code, staff training and dealing with consumer complaints)
3. Sanctions for non complaint member businesses
4. Marketing and advertising by member businesses- Terms and conditions and pre contractual information (including cancellation rights, deposits, delivery times and guarantees and warranties)
5. Customer service provisions (including support for vulnerable consumers).

6. Consumer complaints process (including ADR)
7. Customer satisfaction, information/complaints from enforcement agencies, and how this information is used to develop and improve the code.

### **Audit Summary**

BAR's code, underpinned by Trading Standards Primary Authority Advice, continues to provide protection for consumers in what can often be very stressful circumstances.

BAR's code continues to benefit from the processes to support membership and consumer complaints being streamlined and automated where possible.

BAR have embraced social media and other more traditional advertising methods to promote the benefits of the Code to consumers in very effective and innovative ways.

### **Membership Application Process**

BAR have a comprehensive member database, with all records kept electronically.

The audit examined:

- The procedure for appointing new members
- The records of audit of existing members
- The process for completing inspections of members
- The process of membership withdrawal

### **Summary**

The member database was comprehensive, data was easily retrievable and no issues were found with missing records.

### **New Members**

The member application process was examined. Expressions of interest are sent via e-mail including all of the application form, insurance documents and a copy of the terms of membership and the code of practice. The application form is available on the BAR website, or BAR can email over a pdf to complete as part of an application pack. BAR can also send application forms back by email or post.

BAR check application forms for accuracy, carry out a credit reference check and ensure the applicant has the correct insurance in place. If the applicant passes these initial checks, their application is then posted in the monthly BAR members magazine. Members can comment on new applicants within 21 days. If applicants pass this stage, BAR set up an on site audit for the new applicant.

The audit team saw evidence of responses to new membership on file, including positive responses supporting an application.

BAR onsite audits check all areas of code compliance and BAR standards for operation. The audit covers areas such as training, quotes, terms and conditions, suitability of vehicles, customer awareness, complaints procedures and complaints handling.

Audits are completed by an independent company which is a subsidiary of BAR. Auditors have a mix of skills, all with extensive removals sector experience (some auditors have 20-30 years experience in this sector).

The BAR Advisory Committee, a small committee nominated by and reporting to the BAR Board of Directors makes the final decision to admit a new member after the secretariat have managed all of the processing, investigations, advertising and inspection. If the application is successful then the member is admitted into the scheme once membership payment is received.

If the application is not successful then the applicant is informed of the nonconformities by way of a report (which includes corrective actions to be taken). Applicants then have six weeks to clear the checks and meet the required standards or their application is rejected. All information is recorded on BAR's very comprehensive member database.

BAR receive approximately 20 new enquiries about membership each month. In 2014, 17 members were accepted, and 8 applications were rejected. The database processes were examined for new applications - all processes were complied with, information recorded and retrievable both on database and in paper files. All actions identified had been actioned and evidence of this recorded and available. No issues were found.

**Best Practice:**

A new system of auditing has been introduced that includes an auditor's summary, supported by photographic evidence as appropriate. This full report is used by the BAR Advisory Committee to make an assessment of whether an applicant is admitted to BAR or not.

### **Existing Member Inspections/Audit**

In 2013 the audit regime changed to annual inspections. The audit team discussed this change, along with "risk based" auditing of members with BAR. Several audits were reviewed and the team noted the colour coding system in place for records. In particular, red is used to indicate non-conformities and it was noted that several audit records displayed outstanding red non-conformities. The system should ensure that deadlines are set by BAR for corrective action by the member. This was found to have lapsed in several cases, with some actions remaining unresolved beyond the deadlines set.

This evidence was discussed with BAR. BAR indicated that they have reported on the outstanding backlog of nonconformities and notified members that will be tightening up on this area of the auditing process. All outstanding issues have resulted in contact having been made at least twice with members. If compliance is not achieved at this stage then a formal warning is issued. A final warning is issued one week after, and one week later the matter is referred to the Disciplinary Committee if unresolved.

BAR are confident that within the year they will have addressed all the outstanding issues and will have completed their transition to an annual monitoring regime where 100% compliance is required to pass the audit.

### **Membership Withdrawal and Sanctions for Non Compliant Member Businesses**

When complaints against members are received, BAR communicates closely with their ADR provider. BAR receives back reports on both the numbers and types of complaints that are dealt with via conciliation or ADR. Warning letters are sent to members who do not comply with or cooperate with the ADR process – BAR sees its role here as applying influence to members to achieve resolution for consumers.

If a member has breached the code then they will receive a first warning. This ordinarily comprises of an initial email that will be sent asking for compliance. If compliance is not immediately achieved then a formal letter of warning will be sent to the member. In this letter a deadline is set for compliance, and if this is not complied with then the matter is escalated to the Disciplinary Committee.

If a member receives a disproportionate number of complaints, or many complaints about the same subject then the situation will be reviewed for three months. If no improvement is seen then a letter of warning will be sent to the member, setting out what corrective measures need to be put in place over a specified period. BAR will then look for a reduction in complaints for that period. If no improvement is observed then the matter will be escalated to the Disciplinary Committee.

It was noted by the audit team that no cases had been put before the Disciplinary Committee since the last audit. BAR advised that several cases were currently under review, that the Disciplinary Committee will be meeting in 2015 (and their findings can be reviewed at the next audit). No issues were raised with the sanctions procedures.

## Marketing and Advertising by Member Businesses

BAR's monitoring of advertising and marketing of members, which forms part of the audit process, application process and on going ad hoc monitoring was examined.

BAR insist on all members using the approved TSI Codes logo on their websites – any member not doing so is written to and follow up action taken if required.

### Best Practice:

BAR have produced a Consumer Code leaflet for members to give to customers, which the audit team felt was particularly effective. In addition, BAR has produced another poster for members' staff (to be displayed in canteens, etc.). This document is entitled "BAR TSI Approved Consumer Code of Practice and You"

There were no issues of concern with the aspects of BAR's systems.

## Terms and Conditions and other Pre-Contractual Information

BAR have standard terms and conditions which were registered by the OFT during their CCAS application. All BAR members must use these as a minimum standard, although some offer terms that provide levels of consumer protection above and beyond these standards.

BAR are now in a well developed Primary Authority Partnership with Hertfordshire Trading Standards Service. The Primary Authority has developed assured advice on the terms and conditions in place, effectively endorsing them.

It was noted that the terms and conditions approved by Hertfordshire Trading Standards were due for review in December 2014 and BAR indicated at audit that they would be ensuring that these are reviewed again.

It was also noted that the Annex to the BAR code contains references to some legislation that has now been repealed, such as the Distance Selling Regulations. In addition, new legislation has been introduced since last audit that directly affects consumer contracts that does not feature in this Annex. BAR indicated that these issues would also be addressed through their Primary Authority Partnership arrangements.

## Customer Service Provisions

BAR accept that the process of moving is stressful for all consumers and the consumer code sets out how all consumers must be treated. BAR deliver customer service training to their members and specific training for dealing with vulnerable consumers is included.

Access issues for physically disabled consumers are accommodated throughout the moving process. BAR are not aware of any members whom use premium rate phone numbers for their customer contact number.

BAR will type up complaint forms for vulnerable consumers (for example those without internet, or who cannot read or write). Dispensations are also given on the time limits for ADR complaint submissions when involving vulnerable people.

### Best Practice:

BAR have made good use of technology and social media to engage with consumers. The estimating system on the website has proved so successful that it can now be "white labelled for members. Videos advocating BAR benefits have also been well received via social media channels (these can also be personalised for members for a nominal fee).

## Consumer Complaints Process

Consumers can make a complaint via phone, email, letter or online. Consumers are directed to the relevant BAR member to resolve their complaint in the first instance.

The BAR complaints procedure is set out in the BAR consumer code, and members are given guidelines on how to deal with complaints. BAR members must respond to any complaints within five days. Members are encouraged to resolve complaints as quickly as possible, and seek out advice if required. BAR provide a free legal helpline for members, which they can use for seeking advice that assists them in resolving complaints.

Any complaints that cannot be resolved between the consumer and the BAR member are referred to an independent Alternative Dispute Resolution (ADR) provider to deliver both conciliation and Arbitration on BAR's behalf.

BAR's complaints process is completely automated. The status of complaints is updated automatically on the database. Six separate complaints were examined, including those that had progressed to ADR. All processes were complied with. Documents and correspondence were correctly recorded and retrievable and outcomes recorded. The consumers and businesses had all been updated on the outcomes, and the awards to the consumers honoured where appropriate.

BAR members received 531 complaints in 2014, which equates to c0.1% of moves completed. Members completed 445,000 moves in 2014.

### Recommendation:

There is currently no system for recording whether consumers have received ADR awards. Implementing such a system to capture this information would also enable BAR to accurately record the total amounts awarded to consumers in given periods.

## Customer Satisfaction and Feedback

BAR has two ways of collecting customer satisfaction.

1. Trusted Mover
2. Members own systems (including Referenceline)

BAR's own 'Trusted Mover' online customer feedback site was interrogated.

3950 questionnaires have been completed so far, with 12842 questionnaires sent but not returned.

Members who use this option send an automatic email to each customer after their move has been completed. The email contains a unique link to the feedback website, which the consumer can click on and then leave feedback. An automatic follow up prompting email is sent two weeks later, if the consumer has not left feedback.

The member cannot interfere with or influence the feedback. The member can see the feedback once left and can challenge any feedback they consider unfair or vexatious. Negative feedback in itself is not a valid reason to challenge. BAR adjudicates if feedback is challenged.

Notifications are received from Trusted Mover when mandatory questions like "Were you made aware of the Code?" are answered negatively by consumers. These are followed up with the member by BAR. BAR review all feedback on an annual basis, to identify any particular issues and trends.

The Trusted Mover process was reviewed and feedback examined for members - no issues were found. BAR has very little contact from enforcement agencies. Instead BAR is more frequently contacting trading standards services regarding misuse of the BAR logo.

## **Conclusions**

BAR are fulfilling their obligations as a code sponsor, and their member base is compliant with the CCAS core criteria and the BAR Consumer Code of Practice. A few observations and recommendations were raised, but these did not detract from a generally excellent code of practice that is well run and effectively managed.