



Consumer Codes Approval Scheme Consumer Advisory Panel Meeting

Date: 27 April 2015
Time: 14:00 – 16:00

Location: Citizens Advice, 3rd Floor North, 200 Aldersgate Street, London EC1A 4HD

Present: Sue Edwards (Chair), Fraser Sutherland, Alison Farrar, Teresa Perchard, Jim Humble, Jane Vass, Helena Twist,

Attendees: Sarah Langley, Claire Love

Apologies: Geoffrey Woodroffe, Jane Negus, Caroline Jacobs

Minutes

The meeting started at 14:00

1. Welcome and introductions

Sue Edwards welcomed everyone to the meeting.

2. Declarations of interest

No declarations of interest were noted.

3. Consumer Codes Approval Board Update

Teresa Perchard gave an update on CCAB activities including advising the Panel that Checkmate received Stage 2 approval. Teresa also provided an update on the Strategy

day, set out the objectives for the scheme and talked about the priorities going forward.

Alison noted that the National Consumer Rights Act would provide a good PR opportunity for CCAS.

ADR

The Panel discussed the new ADR directive and are persuaded that Codes should be ADR compliant and think that the standards within CCAS should be at least equal to the ADR directive. Sarah Langley confirmed the Board would be discussing ADR at the next Board meeting, and agreed to share the Panel's view with the Board.

4. Minutes of the last meeting

The minutes of the previous meeting (12 January 2015) were reviewed and approved by the Panel with no comments.

5. BLP Insurance – Stage 1 Assessment

The Panel reviewed and discussed the BLP code. The following comments and observations were made:

- BLP should provide cover for consequential loss when damage resulted from a defect
- That there needed to be a definition around what was classed as 'practical completion of the home'. Is this when the house is built or when the consumer completes the purchase?
- There needs to be a fuller explanation of the protection that an individual will or won't get. (b point 3 in the code)
- There should be a glossary added to the code
- If there is an option to increase the insurance then it should be included. (d point 3 in the code)
- Timescales need to be added in to the code for responses to complaints. (section e of the code)

The Panel reviewed the consumer version of the BLP code.. The following comments and observations were made:

- The consumer version also has some terminology and content aimed at businesses, this needs to be reviewed and removed. The consumer version needs to be written in plain English. Can it be clearer and simpler?
- Vulnerable consumer definition- should include young as well as old. Situations that make people vulnerable. Use 'age' rather than elderly. Look at FCA research on vulnerable definition. Like 'shouldn't make assumptions...'

- .gov.uk doesn't exist anymore, and CAB is not just for vulnerable consumers but for all. Please amend the reference in the code
- Would prefer if BLP don't use TPO definitions but develop their own
- '7 days' is this working days or calendar days? Please state. Prefer calendar days. 9.3- should apply to all consumers, not just vulnerable ones
- section 12- no reference to 'reasonable' –add in that conditions for refunds should be reasonable
- snagging- states not covered by BLP insurance. Should be included in matters covered by code on page 4 and in 1), to be consistent with bottom of page 6
- Complaints section still not clear. Process needs to be clearer. (flow chart), and included in consumer version. Put 'in brief' then more details on the complaints process
- Dispute definition in glossary, must also be changed/reviewed. why limit to 'financial loss'? not fair. Would consumer have to proved financial loss before claim? Also cover compensation for non financial loss, such as damage and distress/inconvenience. E.g can't use washing machine. Can't sleep as windows rattling. Front door didn't lock.
- Consumer complaints flowchart- when FOS or code- make this very clear, and in code. Shouldn't be any gaps.
- Charges section- 22- how much is ADR for consumers? Fee of £100 should be in consumer facing leaflet and in complaints section.
- Section 22.5- mention of emotional distress- but would have to show financial loss first? Need to amend, as above comments. Also reference to inconvenience? Buyer can't have award on this without financial loss- disagree on this statement.
- Section 23.1- £100- needs to be mentioned further up. Whole ADR section needs rewriting. Too complex. Need introduction, then more details below.
- Process confusing, and how set out, needs clear statement at start of section. Access to ADR needs to be for emotional and inconvenience.

Fraser- has requested Scottish version to be added in glossary- will talk to them if want to.

Panel also raised MOU issues- if traders ejected from the scheme- how can BLP ensure they don't join another approved code? [something to discuss as MOU likely to be required by Board once code approved]

6. The Furniture Ombudsman – Stage 1 Assessment

The Panel reviewed and discussed the Furniture Ombudsman code. The following comments and observations were made:

- The Panel liked the definition of vulnerable
- Ombudsman-what industry? Clarification required.
- 'Fault'- do they explain what this is?
- Snagging definition needs more work.
- 'best value possible'? monetary value or customer service 'added value'- please confirm.
- Section 1.2 adhere to or abide by?
- Section 3.4.5- needs to be clearer that cost of kitchen plus £10K. 'additional' £10K
- Section 4.1- needs to be simple and in plain English
- Sections 4.3-4.6-good
- Section 4.3- other codes say about having an appropriate adult with vulnerable - something to consider?
- Section 5.5- not good- what does this mean?
- Definition of pressure selling given in glossary, but refer to high pressure selling in 6.5- take high' out so consistent
- Section 8.1.2- too many characteristics- doesn't read well. Confusing.
- Section 8.1.4- need to add in details of natural characteristics, to consumer pack. Provide details of 'inherent' properties. Have this available to consumers pre-purchase. When choose types of worktops etc.
- Section 8-rewrite with consumer in mind. Too wordy. Is 'natural characteristics' in definition?
- Section 9.2.2 (second one- were two in code)- 'delay'-need more containment of delays, or offer for substitute, refund. Address such issues. Compensation for delays beyond a certain time? Or vulnerable consumers? Those with children etc? when is unreasonable delay?
- Section 13-'the pre-payment scheme'-this needs to be added and clearer in glossary. Consumers won't know what this is.
- Liked section 14
- section 15- nice distinction between complaint and dispute
- Section 15.3- says what should be in 15.1?
- '7 days'- working or calendar?

The Panel liked section 18.1

The Panel agreed that there were a few areas for clarification and edit. The code could go to the Board if all the changes were made.

7. Trust My Garage – Stage 1 Assessment

The Panel did not have time to discuss the code face to face, so members of the Panel were nominated to review the code and provide written responses directly to the codes team

8. Consumer Code for Homebuilders

The Panel did not have time to discuss the code face to face, so members of the Panel were nominated to review the code and provide written responses directly to the codes team

9. Change to IPW Code

The Panel noted that the Code is different in Scotland, Fraser will look into this. The Panel will be happy to approve the amendments subject to Scottish relevant checks.

10. CCAS Update

Sarah provided a general update on the team activities and interest from new potential code sponsors.

11. AOB

Next meeting will take place in July – Sue Edwards will be unavailable so Fraser will Chair, but Sue will work on the guidance for new codes.

Only 2 codes per meeting in future and 2 ½ hours should be allowed for each meeting of the Panel.

Future development sessions for the Panel were discussed. It could be an opportunity to challenge Code Sponsors about raising their standards further.

The meeting concluded at 16:25