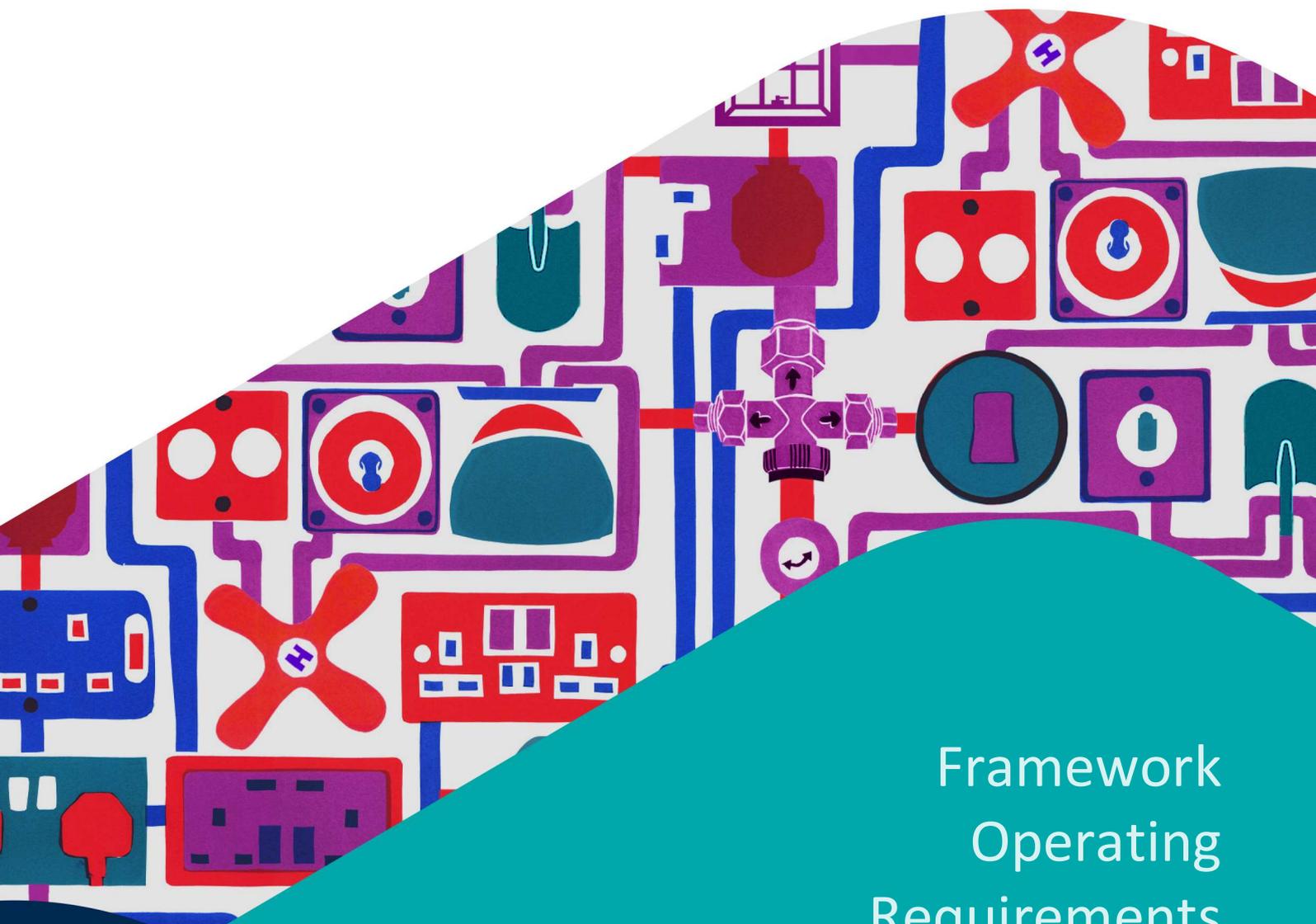




**TRUSTMARK**  
Government Endorsed Quality



# Framework Operating Requirements

V2.0

[trustmark.org.uk](http://trustmark.org.uk)

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# 02

## Foreword

### **Simon Ayers** **Chief Executive Officer**

Since inception in 2005 TrustMark has been instrumental, along with our Scheme Providers, in enhancing levels of consumer protection in a range of industry sectors.

As a result of the Government commissioned Each Home Counts Review the TrustMark remit has been expanded to deliver the quality mark for the Retro-Fit, Repair, Maintenance and Improvement (RMI) and energy efficiency sectors; covering any work a consumer chooses to have carried out in their home.

To support this expansion of responsibility TrustMark has introduced a new independent Board, bringing a broad range of experience and skills at senior level to secure a robust, strategic platform to deliver the changes. Underpinning the Board sits a team of councils, committees and a finance panel to ensure a two-way feedback process operates between the Board and TrustMark Scheme Providers, their Registered Businesses and our consumers.

This Framework Operating Requirements document defines the relationship between TrustMark and our Scheme Providers. To identify and clarify the obligations, responsibilities and activities required of both parties to ensure we meet this new challenge, which we believe marks an opportunity to create far-reaching and positive change for both consumers and the businesses that they engage with.

The Framework has also evolved to encompass the requirements for energy efficiency measures delivered within the Energy Company Obligation (ECO) and within the wider energy efficiency retrofit landscape.

The TrustMark scheme was established in conjunction with Government, industry and consumer protection bodies, and was appointed a Master Licence by the Department for Business, Innovation and Skills now the Department for Business, Energy and Industrial Strategy (BEIS) in 2005.

TrustMark engages with Scheme Providers through a sub-licence agreement. Scheme Providers make a commitment to work to the TrustMark Framework Operating Requirements and their Registered Businesses commit to the Code of Conduct and Customer Charter, as well as the codes of practice relevant to their industry.

The findings of the Each Home Counts Review, which were published in December 2016, identified the need for an all-encompassing mark of quality for consumers to recognise and rely upon - regardless of the type of work they are having carried out in their home.

Subsequently it was decided that TrustMark will bring into effect this quality mark.

Following considerable engagement with Government, industry stakeholders and consumer protection groups, the following Framework Operating Requirements document outlines how Scheme Providers will work with TrustMark to deliver the most robust level of quality and protection to consumers, working towards ever-improving standards in all sectors.

Supporting the changing approach to the delivery of energy efficiency measures, Annex B and Annex C have been added to Version 2 of the Framework Operating Requirements.

# 03

## Our Vision

TrustMark exists to enhance consumer protection and choice, providing peace of mind and confidence that when using a TrustMark Registered Business, consumers are selecting a business that has made a clear commitment to customer service and trading practices, and that the technical competence of their work has been independently assessed within the context of this Framework.

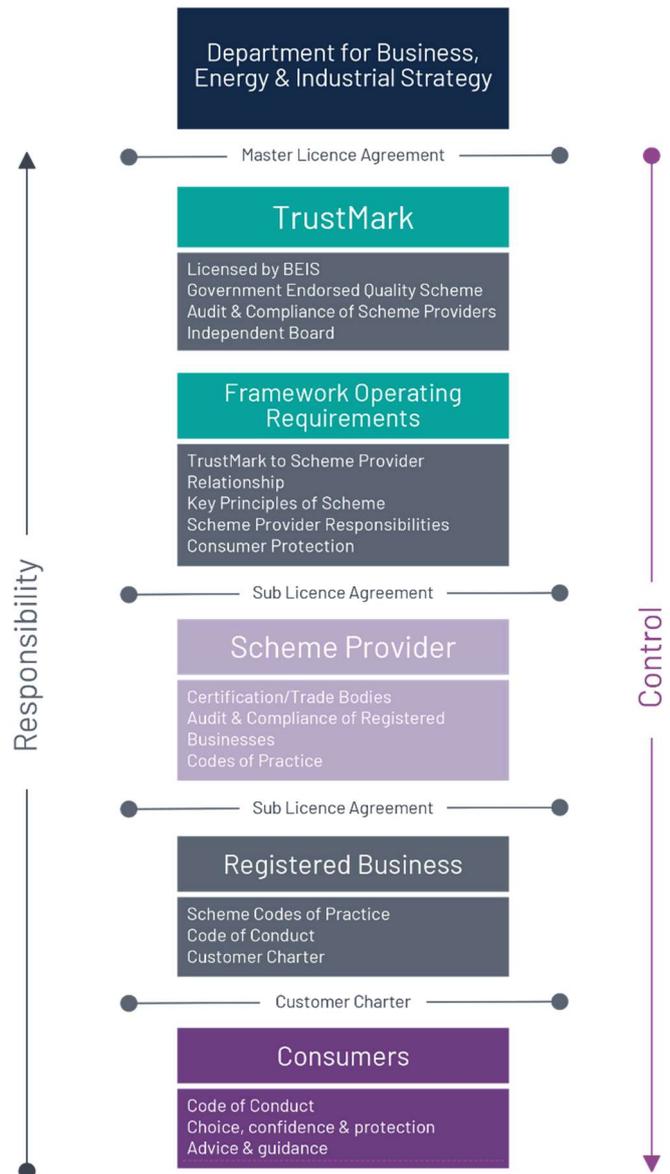
Simultaneously, TrustMark aims to enable Registered Businesses to thrive by championing them on the TrustMark website and other marketing channels, and by actively connecting them with consumers seeking services in their area.

Use of the TrustMark logo allows Registered Businesses to identify themselves to customers and potential customers as part of the Government Endorsed Quality Scheme, as well as availing themselves of the additional reputational benefits and marketing opportunities.

To underpin our vision, the Data Warehouse and Property Hub have been developed. The Data Warehouse will be a repository for information about work undertaken and associated guarantees and information to aid the supply chain deliver quality work; whilst the Property Hub will be a consumer facing representation of property information held in the Data Warehouse – a ‘log book’ of who completed the works and when.

## Structure

To ensure the TrustMark process is transparent and robust, the compliance of the Scheme Providers and Registered Businesses must be validated at all levels.



## How this will work in practice:

To use the TrustMark logo, businesses must be registered with a TrustMark approved scheme. TrustMark Scheme Providers will be required to demonstrate that they meet the Scheme Provider requirements set out in this document.

Accreditation by UKAS under BS EN ISO/IEC 17065 will be accepted by TrustMark as demonstration that the Scheme Provider meets those requirements identified as being covered by BS EN ISO/IEC 17065 (see below).

Scheme Providers that are required to be UKAS accredited to enable them to provide certification services to the Registered Businesses (e.g. under Government programmes such as the Energy Company Obligation (ECO)) will continue to be accredited under BS EN ISO/IEC 17065.

The ECO Order requires that all ECO measures, except for Demonstration Actions and certain district heating system measures<sup>1</sup>, must be delivered by TrustMark Registered Businesses. TrustMark Registered business are not required to meet the TrustMark requirements for those excepted Demonstration Actions and those certain district heating system measures which are delivered for ECO. The ECO Regulations provide further details as to what those Demonstration Actions and district heating system measures are.

Scheme Providers such as trade bodies who have no requirement to offer certification services within the UKAS model will be required to operate a quality management system that is compliant with ISO9001.

The Framework has been comprehensively reviewed to examine intersections with equivalent ISO standards, and where appropriate, guidance has been provided to address gaps identified. This analysis was conducted as it was of critical importance that the Framework did not create additional layers of process and procedure above those already established and embedded within the RMI, Energy Efficiency and Retrofit industries.

Within the Scheme Provider requirements, a key has been established to identify statements that are already found and contained within:

1. Competent Person Scheme – Conditions of Authorisation (CoA)
2. ISO/IEC 17065:2012 Conformity assessment - Requirements for bodies certifying products, processes and services
3. PAS 2031:2017 - Certification of energy efficiency measure (EEM) installation in existing buildings; as amended from time to time

### How the Framework is presented:

The following sections each contain:

- a) Key principles – The overall values that the TrustMark Scheme delivers through collaboration with Scheme Providers, Registered Businesses and industry to reduce consumer detriment.
- b) Scheme Provider Requirements - In the Scheme Provider Requirements section, on the far-right hand side of the page there are references to indicate where other recognised existing standards and/or requirements may already meet the requirements of the Framework.

For example:

- 
- |       |   |                           |
|-------|---|---------------------------|
| 4.3.1 | Ensure adequate resources are in place and available to deliver the service; Including; management, administrative, marketing, digital and technical skills. Submit and maintain an organisation chart and resource plan; detailing roles, responsibilities and skills required to deliver the service. | ISO17065 [5.1.3K & 6.1.2] |
|-------|---|---------------------------|
- 

*Compliance with the requirements of ISO 17065 and PAS 2031 will need to be demonstrated by accreditation by UKAS. This is designed to create a clear pathway to compliance for all Scheme Providers, ensuring a level playing field that delivers robust consumer protection, whilst offering flexibility and a common-sense approach that avoids unnecessary duplication of regulatory requirements.*

<sup>1</sup> Namely those district heating system measures registered with heat sector consumer protection body Heat Trust or that demonstrate that they comply with equivalent standards to those provided by Heat Trust.

# 04

## Scheme Provider Application & Registration

4.1 The key principles of the Scheme Provider Application and Registration process are to:

4.1.1	Use effective, open and fair processes for assessing and approving Scheme Providers.
4.1.2	Ensure Scheme Providers can fulfil the requirements and expectations of the role; improving standards and reducing consumer detriment.
4.1.3	Attract high calibre Scheme Providers, who meet TrustMark standards and are a 'force for good' in the industry.
4.1.4	Ensure customers have confidence in Registered Businesses and Scheme Providers, who demonstrate a robust, compliant Quality Management System, raising standards and avoiding conflicts of interest.
4.1.5	Ensure consumers and Registered Businesses are confident that TrustMark requirements are set at a high standard and will be enforced effectively, consistently, fairly and impartially.
4.1.6	Clearly set out the sanctions, processes and procedures that will be used when TrustMark requirements are not met.

Scheme Providers will be required to meet the following:

### 4.2 Organisational Information

4.2.1	Provide TrustMark with all requested information about its organisation, vision and aims to complete the application and registration process.	
4.2.2	Supply appropriate and relevant evidence to support all statements made on the application form. Where the Scheme Provider wishes to achieve or introduce specific standards or processes, additional statements of intent can be supplied.	
4.2.3	It is a minimum, mandatory requirement that where the scope of registration is included within Government authorised or licenced schemes, applicants shall be registered on those schemes and notify TrustMark of any changes to these circumstances.	
4.2.4	Demonstrate commitment to raising standards within the industry by actively participating in Standards Groups relating to technical competence; quality of workmanship; service and customer care; and, to tackling areas of consumer detriment and undesirable trading practices.	
4.2.5	Exhibit enough financial strength to meet TrustMark's principles; providing evidence of financial probity through submission of recently audited annual public accounts at application; and, ongoing via annual compliance audits.	ISO17065 [4.3]
4.2.6	Submit and maintain a marketing plan for the development and growth of the TrustMark scheme which is reviewed periodically to ensure alignment with TrustMark's mission.	COA 6

### 4.3 Organisational Capability & Capacity

4.3.1	Ensure adequate resources are in place and available to deliver the service; including management, administrative, marketing, digital and technical skills. Submit and maintain an organisation chart and resource plan; detailing roles, responsibilities and skills required to deliver the services.	ISO17065 [5.1.3k & 6.1.2]
4.3.2	Ensure competence of individuals who will undertake assessments and audit activities. Submit and maintain records of competence, and qualification where appropriate and make available for audit reviews on request.	ISO17065 [4.6, 6.1.1. & 6.1.2.2.]
4.3.3	Show that staff members are appropriately trained and understand the obligations and requirements of the Framework, as relevant to their role. Individual training and development records are kept and maintained for assessment annually.	ISO17065 [6.1.21b & 6.1.2.2d]
4.3.4	Demonstrate that the organisation has transparent and accountable recruitment and selection processes that ensures people working in the organisation possess the knowledge, skills and experience required to fulfil their roles.	ISO17065 [6.1.2.1.]
4.3.5	Implement and maintain a quality management system. If an externally audited ISO 9001 QMS is not in use, TrustMark will determine its suitability.	ISO17065, ISO9001

### 4.4 Service Delivery

4.4.1	Maintain an up-to-date register of scheme members and provide TrustMark with regular updates; specifically, where there has been new, lapsed, suspended or expelled members, within 10 working days of any change.	ISO17065 [7.8] COA 15
4.4.2	Act honestly and fairly and must not knowingly impact and/or bring the TrustMark scheme into disrepute.	ISO17065 [4.1.3.2, 4.2, 4.4, 5.1.1, A.1.1, A.2, A.4.3]
4.4.3	Demonstrate how the scheme and associated panels will be managed impartially.	ISO17065 [4.2.1, 4.2.6-8, 4.2.10, 4.2.12, 6, 7.3-6, 7.10 & 7.11.2]
4.4.4	Identify Registered Businesses that may require review, investigation or action using information from performance monitoring processes, disputes and other sources, including consumers and other third parties.	ISO17065 [7.4.6, 7.4.7, 7.4.8, 7.7.3b]
4.4.5	Ensure that all audits and assessments completed on Registered Businesses are independent of the registration approval activities and are only undertaken by individuals with suitable levels of technical expertise.	ISO17065 [6.2, 6.1.1.2, 7.5.1, 7.6.2]
4.4.6	Should a Scheme Provider voluntarily withdraw or have their sub-licence revoked, the Scheme Provider will work with TrustMark to transition all Registered Businesses to an appropriate alternative Scheme Provider, ensuring minimal disruption and detriment to their business and customers.	
4.4.7	Publish a Complaints and Appeals Process, which must include time limits for remedial action and be open to receiving disputes from all customer groups.	ISO17065 [4.6]

### 4.5 Governance & Reporting

4.5.1	Comply with all requirements of the General Data Protection Regulation (GDPR) and all other current legislation and regulations regarding data protection, data security and privacy.	ISO17065 [4.5, 7.12.2, 8.3, 8.4]
4.5.2	Reserve the right to share or publicise information on businesses removed from the register; including making these known to TrustMark, other Scheme Providers and local Trading Standards Services, where appropriate and necessary.	CoA clause 14
4.5.3	Deliver data to TrustMark for the Framework to carry out its oversight functions, as and when required. This data shall be in the format specified by TrustMark and include: <ul style="list-style-type: none"> <li>a) Number and detail of Businesses currently registered with TrustMark</li> <li>b) Businesses applied vs accepted to the scheme</li> <li>c) Number of formal disputes</li> <li>d) Detail of Businesses involved in sanctions, including, the cause of issue suspensions and removals</li> <li>e) Number and type of measures audited by business including outcomes of audit.</li> <li>f) Provide any other data as requested for performance management use.</li> </ul>	CoA clause 20
4.5.4	Ensure payment of all fees in compliance with sub-licence agreement and TrustMark's 30-day payment policy.	
4.5.5	When handling a dispute, the Scheme Provider will, where permitted by GDPR and where authorised to share data either by the complainant or the defendant, disclose details to third parties including Technical Monitoring Agents & Certification Bodies.	ISO17065 [7.12 & 8.4.2]

# 05

## Standards & Competency

5.1 The key principles of Standards & Competency are to:

5.1.1	Maintain a consistent delivery of the Framework requirements by all Scheme Providers; and the Code of Conduct and Customer Charter by Registered Businesses and sub-contractors.
5.1.2	Safeguard that all Scheme Providers, Registered Businesses and sub-contractors commit to working to their applicable Codes of Practice and relevant technical/industry standards
5.1.3	Develop ways to measure compliance with the Code of Conduct and Customer Charter, and identify dispute trends, consumer satisfaction and audits.
5.1.4	Ensure that Registered Businesses and sub-contractors are competent to perform the trade(s) registered.

5.2 Scheme Providers will be required to meet the following:

5.2.1	Document and make available to all applicants and registrants the requirements of the scheme. Secure commitment, upon registration, from businesses to abide with, and meet the requirements throughout their involvement in the Scheme.	ISO17065 [4.1.2 & 4.6]
5.2.2	Where the measure is not specified in PAS 2030, it must be installed in accordance with building regulations and any other regulations that relate to the installation of the measure and be installed by a business with the appropriate competence.	
5.2.3	Where necessary, signpost a Registered Business on where to obtain the Code of Conduct and Customer Charter to enable compliance.	
5.2.4	Make the Code of Conduct, Customer Charter and relevant Scheme Provider documents available, without charge, to customers, complainants and others with a legitimate interest.	ISO17065 [4.6]
5.2.5	Measure compliance with the Code of Conduct & Code(s) of Practice including dispute trends and root-cause analysis; and to make these available at audit.	
5.2.6	Regularly update any changes in provisions, in the light of changing circumstances and expectations, ensuring that Registered Businesses are informed of any changes.	ISO17065 [7.10]
5.2.7	Ensure that Registered Businesses are made aware of all trades supported by the TrustMark scheme and that works undertaken outside of this scope are highlighted to their customers. Registered Businesses should apply the same requirements as detailed within the Code of Conduct.	ISO17065 [4.3]
5.2.8	Provide on-going technical help and advice, as appropriate - provided such help/advice does not cause any conflicts of interest and is not considered to be consultancy.	CoA Clause 11 ISO 17065 [4.2.6]

# 06

## Audit & Compliance

6.1 The key principles of TrustMark's Audit and Compliance processes are to:

- 
- 6.1.1 Ensure policies and procedures are in place to deal with a Scheme Provider's non-compliance with the Scheme Provider sub-licence or the Framework requirements.
- 
- 6.1.2 Make certain Scheme Providers are fully compliant with their Provider sub-licence agreement and continue to meet the Government's and Consumer's expectations, as set out in the Code of Conduct.
- 
- 6.1.3 Confirm Scheme Providers are proactively maintaining the standard of the TrustMark scheme through their vetting and on-going monitoring of Registered Businesses, using all knowledge and available resources, mitigating the risk presented by 'phoenix companies'.
- 

Scheme Providers will be required to meet the following:

6.2 TrustMark Compliance Audits of a Scheme Provider

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- |       |   |                           |
|-------|---|---------------------------|
| 6.2.1 | Have in place a documented, robust and transparent internal audit process. Where the organisation is UKAS accredited, the UKAS assessment will be recognised; as will ISO 9001 Certification by a UKAS accredited certification body. | ISO17065 [7.4]<br>ISO9001 |
|-------|---|---------------------------|
- 
- |       |   |                            |
|-------|---|----------------------------|
| 6.2.2 | Compliance audits by TrustMark will be undertaken at least annually, on a mutually agreed date. The Scheme Provider will be held accountable for any non-compliant issues found during the audit and must take corrective actions within agreed timescales. | ISO17065 [7.9, 7.12 & 8.7] |
|-------|---|----------------------------|
- 
- 6.2.3 Make available any current certificated ISO9001 and UKAS assessment reports at the time of the audit or before – including all recommendations, improvement actions report and corrective action plans.
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6.3 Initial Pre-Entry Checks – New Businesses Application

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- |       |  |                      |
|-------|--|----------------------|
| 6.3.1 | Scheme Providers must complete pre-entry checks on each business applying for registration, ensuring receipt of all information and supporting evidence required, as described in Annex A. | ISO17065 [7.3 & 7.4] |
|-------|--|----------------------|
- 
- 6.3.2 Application assessment shall include an adequate sample of work (inclusive of pre, mid and post site inspection) to enable demonstration of compliance with industry codes of practice.
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- 6.3.3 Selection of 'at location' site assessments will be conducted using an appropriate methodology to select sites that are representative of work carried out by the business.
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- 
- 6.3.4 Businesses holding membership, registration or certification of existing recognised schemes and standards, including mandatory schemes and standards, may be deemed at the verification of the Scheme Provider, as having satisfied the minimum technical competency requirements for entry into TrustMark.
- 
- 6.3.5 In cases where a prior Registered Business has ceased to trade and/or the named responsible/technical person or director(s)/management apply for Registered Business status for a related new company (potential 'phoenix companies'), the Scheme Provider has the discretion as to any conditions that must apply before re-application of the new company to membership (i.e. assumption of liability for prior work etc.).
- 
- 6.3.6 The Scheme Provider must satisfy themselves of the suitability of the applicant for registration and complete checks as necessary, including insolvency and bankruptcy registers for key people within the business. Where an applicant has less than a 6-month trading history, further checks may be deemed necessary.
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#### 6.4 On-going Annual Checks – Registered Businesses

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- |  |   |   |
|--|---|---|
| 6.4.1  | Complete ongoing checks and monitoring of each Registered Business using a blend of on and off-site assessments and reviews based on risk and experience of the Registered Business (also see Annex A). The monitoring of Registered Businesses must consider sector specific standards, codes of practice and scheme rules.  | ISO17065 [7.9]                                  |
| On-site assessments must:  |   |   |
| <ul style="list-style-type: none"> <li>• Include post installation visits selected at random</li> <li>• cover a statistically significant sample as set by industry and be consistent with the requirement of certification, where relevant</li> <li>• be representative across trades and types of work undertaken including sub-contractors used</li> <li>• Include mid-point assessments for those works that cannot be adequately evaluated post installation (e.g. solid wall insulation).</li> </ul> |   |   |
| 6.4.2  | Scheme Providers will use the results of assessment visits, audits and dispute investigation to inform risk rating, sample size, type and frequency of the ongoing audit regime for each Registered Business.   |   |
| 6.4.3  | Scheme Providers will follow-up on any non-compliance issues in line with their sector standards, code of practice or scheme rules. Notwithstanding, all non-compliance issues found must be supported by a clear statement of next actions and include a date for resolution of safety / non-safety related breaches. Follow-up for non-safety issues must be completed within a maximum 12-week period, where a sector standard does not apply. | ISO 17065<br>[7.4.6 - 7.4.9]<br><b>PAS 2031</b> |
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# 07

## Enforcement & Sanctions

### 7.1 The key principles of TrustMark's Enforcement and Sanctions are to:

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- 7.1.1 Engage with relevant agencies, including national bodies such as Trading Standards departments and local Building Control, to support enforcement activities relating to the delivery of services and products by businesses registered with the TrustMark scheme.
- 
- 7.1.2 Provide clear guidance on how enforcement may be sought and to provide a transparent, step-by-step process for customers.
- 
- 7.1.3 To support the provision of enforcement services, including but not limited to:
- a) Mis-selling
  - b) Unauthorised and/or misuse of the TrustMark brand
  - c) Misleading or restrictive contracts
  - d) Sale of goods
  - e) Sale and installation of products that are not fit for purpose
  - f) Services not provided with reasonable skill and care
- 
- 7.1.4 Investigate any Scheme Provider that is deemed to have excessive disputes and instigate an auditable programme of corrective measures. Those businesses unable to meet the measures will be removed from TrustMark.
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- 7.1.5 Provide assurance and protection for consumers, safeguarding the quality of works and that any claims made, are realised for the lifetime of the works.
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### 7.2 Scheme Providers will be required to meet the following:

- 
- 7.2.1 Should legal action or Alternative Dispute Resolution (ADR) be initiated against a Registered Business that directly relates to the provision of services under TrustMark be commenced, the Scheme Provider should undertake a review to consider potential application of a sanction to immediately suspend and remove from the public register pending further investigation.
- 
- 7.2.2 To review the suitability of the business to continue with TrustMark registration and be able to provide evidence on the decision. The business may be removed, after investigation, by following the agreed sanctions policy and removals processes. ISO17065 [7.11]
- 
- 7.2.3 Where a business repeatedly fails to meet the required standards or is the subject of multiple complaints or disputes outside of standards as may be set by industry, the Scheme Provider must fully investigate and audit the business; implementing any actions identified within a defined and specified period. The business may be removed from the register, following the agreed sanctions policy and removals processes. ISO17065 [7.11]
- 
- 7.2.4 Assist TrustMark with the investigation of a Registered Business and support the implementation of any identified corrective measures, excluding financial assistance – subject to an appeals process. ISO17065 [7.13]
-

# 08

## Dispute Management

### 8.1 The key principles of Dispute Management are to:

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- 8.1.1 Ensure consumers have access to a speedy, accessible, clear and user-friendly dispute process, which is free of charge, up to the point of Alternative Dispute Resolution (ADR) and helps to reduce the need for legal action.

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  - 8.1.2 Help all parties reach an amicable resolution, wherever possible, building increased consumer confidence and improving customer satisfaction.

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  - 8.1.3 Ensure that all Scheme Providers understand their obligations for the proper management and handling of consumer disputes.

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  - 8.1.4 Ensure Scheme Providers can deal swiftly with breaches of the Code of Conduct, so that consumer detriment is reduced, and disputes are minimised.

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  - 8.1.5 Ensure vexatious or unjustified disputes are dealt with efficiently, fairly and firmly.

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  - 8.1.6 TrustMark and its Scheme Providers will not become involved in commercial disputes or claims for compensation.

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  - 8.1.7 TrustMark will investigate consumer complaints in relation to the Scheme Providers handling of their dispute in accordance with their sub-licence agreement.

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  - 8.1.8 Where a Scheme Provider dispute process has been exhausted and the matter is unresolved, providing it has not already been referred to ADR, TrustMark will signpost Scheme Providers, Registered Businesses and consumers to independent mediation and arbitration services on request, where Scheme Providers do not have their own.
- 

### 8.2 Scheme Providers will be required to meet the following:

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- 8.2.1 Maintain a responsive, timely, accessible and user-friendly dispute resolution and disputes handling process; operate to timescales and that is free of charge to the consumer up to the point of ADR. All processes must consider the requirements of all current and newly updated consumer protection legislation. The process will detail:
    - a) Service Level Agreement
    - b) Issues that fall outside of remit
    - c) ADR provisionCoA clause 16

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  - 8.2.2 Provide the same level of co-operation with local consumer advisers, Ofgem, energy suppliers or any other intermediary acting on behalf of a consumer when making a dispute, as they would when dealing directly with the complainant. Provide suitable help and assistance when dealing with vulnerable people.
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- 8.2.3 Co-operate fully with TrustMark on any dispute handling issues and provide related documents and statements upon request. Where it is deemed necessary by TrustMark to commission an independent site visit/survey, associated costs may be charged back to the Scheme Provider.
- 
- 8.2.4 Ensure robust arrangements are in place to support consumers if a Registered Business unreasonably refuses to co-operate with the Scheme's disputes investigation or dispute resolution process - *this can only occur if prior permission has been granted*. For example; provide the consumer with a summary of findings and/or statements to support their claim or identify alternative tradesman to rectify and/or complete the work.
- 
- 8.2.5 A Scheme Provider may choose to suspend actions within the dispute resolution process if either party to the dispute takes legal action. If legal action results in a successful prosecution, the Scheme Provider will initiate immediate review of the Registered Business as described in 7.2.1 - Enforcement and Sanctions.
- 
- 8.2.6 For works outside of the Schemes' remit and the TrustMark scope, disputes services must be provided to consumers when making a complaint against a Registered Business.
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- 8.2.7 Taking account of who has contracted the Registered Business, ensure that landlords of private rental properties /their tenants have access to the same disputes process as owners/occupiers.
-

# 09

## Consumer Safeguarding

9.1 The key principles of Consumer Safeguarding are to:

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- 9.1.1 Use the Code of Conduct and Customer Charter to positively promote to consumers the benefit of using quality mark Registered Businesses.

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  - 9.1.2 Ensure that Registered Businesses respect the wishes and welfare of consumers and operate in a way which protects their homes and property.

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  - 9.1.3 Ensure that Registered Businesses trade fairly and do not engage in unfair trading practices.

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  - 9.1.4 Ensure that consumers are not exploited or disadvantaged, with respect for the needs of vulnerable consumers.

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  - 9.1.5 Ensure that consumers have access to a simple redress process in the event of a problem, including access to Alternative Dispute Resolution.

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9.2 Scheme Providers will be required to meet the following:

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- 9.2.1 Ensure that all Registered Businesses are made aware of and comply with all Consumer Safeguarding requirements as detailed within Annex A.

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  - 9.2.2 Have a policy in place that provides guidance to Registered Businesses on how to safeguard that vulnerable consumers are not exploited or disadvantaged.

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  - 9.2.3 Ensure that all Registered Businesses have access to, and embed into their normal working practices, the Code of Conduct and Customer Charter.

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  - 9.2.4 Have in place a complaint resolution policy and process and provide Registered Businesses with best practice guidance on complaint resolution.

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  - 9.2.5 Understand the application of the Consumer Rights Act 2015 when investigating and processing any consumer dispute.

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Vulnerable Consumers as defined by “Who decides? 1997 Lord Chancellor’s Department and ‘No Secrets’ – Department of Health 2000”

A person aged 18 or over who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

# 10

## Financial Protection

### 10.1 The key principles of Financial Protection are to:

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- 10.1.1 Ensure that customers are provided with financial protection on works completed and services provided as required in Consumer Law.
- 
- 10.1.2 Ensure that Registered Businesses have a method of providing financial protection to their customers should they cease trading and be unable to rectify issues.
- 
- 10.1.3 Acknowledge well-established financial protection mechanisms, for example: those supported by insurance backed guarantees and those supported by Scheme Provider practices.
- 
- 10.1.4 Ensure that all financial protection used by TrustMark businesses meet consumer protection principles:
- a) The independent Financial Protection panel will conduct a review of methods of financial protection before they will be permitted for use within the Scheme. A register of appropriate policies will be maintained and published<sup>2</sup>
  - b) The Financial Protection panel will ensure that any financial protection issued through Scheme Providers will have fair terms without consumer detriment and abide by the Consumer Rights Act 2015 and any subsequent appropriate legislation
  - c) The role of the Financial Protection panel is to ensure that any gaps in the provision of consumer protection are identified and managed
  - d) The Financial Protection panel is not in place to make comment on any FCA or subsequent body's ruling of certification of product
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### 10.2 The financial protection must:

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- 10.2.1 Be provided for all works carried out in and around the home, unless the TrustMark Financial Protection Panel deem the work type not to require such a provision or specify an alternative provision.
- 
- 10.2.2 Be provided for all works carried out under the Energy Company Obligation<sup>3</sup> and be declared within the Data Warehouse.
- 
- 10.2.3 Include, but not necessarily be limited to:
- a) Product warranty
  - b) Workmanship guarantee
- 
- 10.2.4 Be suitable for the type of property e.g. heritage properties or park homes.
- 
- 10.2.5 Be in written 'plain English' and include, but not be limited to:
- a) Details of the issuing party
  - b) What is covered (the 'triggers' under which the policy would respond and whether their financial protection allows for the rectification/replacement of defective workmanship and materials while the business is still trading)
  - c) What is not covered (including what invalidates the cover e.g. self-repair)
  - d) Conditions of cover
- 

<sup>2</sup> <https://www.trustmark.org.uk/ourservices/financial-protection>

<sup>3</sup> Except for Demonstration Actions and certain District Heating Systems.

- 
- e) Duration of cover, being a minimum of 2 years, except for cavity wall, solid wall, park home, underfloor and room in roof insulation; which will be at least 25 years in accordance with 10.2.10
  - f) Any service/maintenance requirements
  - g) How to claim
  - h) Date cover commences
  - i) Limit of indemnity (usually the contract value)
  - j) Policy definitions
  - k) Excess (where applicable). The excess shall be appropriate to the average cost of a claim
  - l) Provision noting Building Regulation compliance to regulations (this may not be applicable to all contractor disciplines)
  - m) Cancellation provisions
  - n) Law under which the policy will be administered
  - o) Data protection policy (how personal information will be used)

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10.2.6 Ensure consumers will not be placed under any burden to activate the policy.

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10.2.7 Where a policy is transferred to a new homeowner, the new homeowner will not be disadvantaged by any failure to notify the guarantee protection provider of the new name of the homeowner.

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10.2.8 Have clear and unambiguous terms for when the policy is triggered (the "trigger events"). The Financial Protection panel will ensure that the triggers do not result in consumer detriment.

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10.2.9 Where a consumer is making any prepayment, the business must ensure a suitable method is applied to protect the consumers investment.

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10.2.10 For cavity wall, solid wall, park home, underfloor and room in roof insulation delivered under the Energy Company Obligation, be an 'appropriate guarantee'<sup>4</sup>. An appropriate guarantee is one that as a minimum meets the following criteria as well as the other requirements of 10.2:

- a) Financial assurance: must be supported by a mechanism that gives assurance that funds will be available to honour the guarantee
- b) Duration: lasts for at least 25 years
- c) Coverage: provides for repair or replacement of a failed measure where appropriate and covers the costs of remedial and replacement works plus materials, and
- d) Quality Assurance Framework: must be supported by a mechanism that gives assurance that the installation of the insulation and products used in the insulation comply with a quality assurance framework. TrustMark will assess the suitability of this framework and may require verification through independent assessment by an independent UKAS-accredited organisation or other appropriate body.

TrustMark has a published list of guarantees<sup>5</sup> which have already been reviewed and deemed to be appropriate guarantees. If a Registered Business chooses to use a guarantee not included on this list, but which it considers to meet the criteria for being an appropriate guarantee, prior to its use TrustMark will assess whether it is an appropriate guarantee and where appropriate will add the guarantee to its list on the website.

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10.2.11 For boiler installations (other than repairs) delivered under the Energy Company Obligation require a warranty that:

- a. at least meets the following criteria as well as the other relevant requirements of 10.2:

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<sup>4</sup> The requirement for an 'appropriate guarantee' for underfloor and room-in-roof insulation is subject to a transition period to allow enough time for guarantee providers to make these guarantees available. The transition period will end on 30th June 2020 after which date the requirement applies.

<sup>5</sup> <https://www.trustmark.org.uk/ourservices/financial-protection>

- i. Coverage: subject to the permitted exclusions below, provide for the rectification, without any charge to a consumer, of all problems which affect the functioning of the boiler or the heating system it serves, and which relate to its installation or its suitability for the heating system it serves and which are notified to the person providing the warranty within 2 years of the boiler being installed
  - ii. Permitted exclusions: the warranty is not required to provide for the rectification of a problem which:
    - a. is covered by a warranty provided by the manufacturer of the boiler; or
    - b. arises after the boiler is installed where that problem arises from one or more of:
      - negligence of a third party
      - accident caused by a third party
      - misuse of the boiler by a third party
      - repair of the boiler by a third party

Where “third party” means a person other than:

    - the person who installed the boiler or a person acting on their behalf
    - the person providing the warranty or a person acting on their behalf; and
  - b. is accompanied by confirmation in writing from an occupier of the domestic premises at which the boiler is installed that, to that person’s knowledge, no consumer has been charged for the warranty.
- 

10.3 Scheme Providers will be required to meet the following:

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- 10.3.1 Any TrustMark Registered Businesses only use protection that meet the principles of the TrustMark Framework and any subsequent policy requirements.
  - 10.3.2 Where financial protection is provided by a Scheme Provider, or the process for making a claim is managed by a Scheme Provider, they shall have a written claims process that is evaluated and challenged on a regular basis. The process must be able to demonstrate that it does not include any unreasonable barriers to the consumer making a claim.
-

# 11

## Brand Governance

### 11.1 The key principles of Brand Governance are:

- 
- 11.1.1 TrustMark will grant Scheme Providers and Registered Businesses a non-exclusive sub-licence to use the TrustMark brand in accordance with the TrustMark Brand Identity Guidelines.
- 
- 11.1.2 To achieve visible, consistent and accurate use of the TrustMark brand by all Scheme Providers and Registered Businesses and reduce the opportunity for confusion among consumers (particularly when businesses may be offering or advertising multiple core trades).
- 
- 11.1.3 To protect the copyrights, trademarks and other intellectual property (IP) of the brand (such as digital assets, logos and related images, URLs and domain names etc.) from unauthorised use and misuse which may mislead the public or bring TrustMark into disrepute.
- 
- 11.1.4 Scheme Providers and Registered Businesses will comply with the TrustMark Brand Identity Guidelines and the Code of Conduct support documents, preserving the reputation and integrity of the TrustMark scheme.
- 
- 11.1.5 To support and enforce the TrustMark brand misuse process and procedure through to resolution, using joint branded communications when:
- a) any TrustMark registered Scheme Provider's members are not adhering to the TrustMark Brand Identity Guidelines
  - b) any unauthorised use of the TrustMark Brand by businesses not registered with the scheme
- 
- 11.1.6 To ensure effective liaison with Trading Standards services and other authorities when taking formal action against brand misuse.
- 

### 11.2 Scheme Providers will be required to meet the following:

- 
- 11.2.1 Ensure that the TrustMark brand and logo is used and protected in line with the requirements of the Brand Identity Guidelines and will act where breaches of the guidelines have been proven. 17065 [4.1.3]
- 
- 11.2.2 Ensure that the TrustMark brand Intellectual Property is only used for the purposes for which it is licensed, and will not alter, deface or in any other way amend it or misrepresent it.
- 
- 11.2.3 Ensure that Registered Businesses are made aware of the Brand Identity Guidelines and the permitted uses of the TrustMark brand. Scheme Providers will inform TrustMark of any perceived breaches of the guidelines; and will support TrustMark, Trading Standards and other authorities to police and manage instances of brand misuse.
- 
- 11.2.4 Ensure Registered Business compliance with brand identity guidelines via the regular compliance checks on the business.
- 
- 11.2.5 Not engage in any activity or practice which may result in public criticism or bring the TrustMark brand into disrepute.
-

# 12

## Communications

### 12.1 The key principles of Communications are to:

- 
- 12.1.1 Ensure TrustMark, Scheme Providers and Registered Businesses support the TrustMark brand values and message by providing consumers, trades, industry, Government and other stakeholders with reliable, accurate and timely information.
- 
- 12.1.2 Actively promote and grow awareness of the TrustMark scheme benefits amongst consumers, members and non-members by implementing an active and on-going communications programme.
- 
- 12.1.3 Develop and promote the TrustMark directory of searchable local quality mark Registered Businesses.
- 
- 12.1.4 Work collaboratively with Scheme Providers to educate TrustMark on trends, statistics, industry updates, legal updates, consumer and trade feedback and other relevant information, to aid TrustMark in developing an industry holistic information base, which:
- a) Enhances a greater level of consumer confidence
  - b) Supports trades to become or remain a registered TrustMark business
  - c) To grow and support a skilled industry
- 
- 12.1.5 Ensure effective communications between TrustMark, Scheme Providers, Registered Businesses and consumers as detailed in the Code of Conduct and Customer Charter.
- 
- 12.1.6 Maintain an awareness of any events and issues that may bring TrustMark and/or the Scheme Provider's name into disrepute or result in potentially negative publicity.
- 

### 12.2 Scheme Providers will be required to meet the following:

- 
- |        |  |              |
|--------|--|--------------|
| 12.2.1 | Actively promote the TrustMark scheme, explaining its purpose and benefits and encourage consumers to use Registered Businesses. | CoA clause 6 |
|--------|--|--------------|
- 
- |        |   |  |
|--------|---|--|
| 12.2.2 | To work within the industry to raise awareness of the TrustMark scheme with potential registrants, encouraging registration and membership of the scheme. |  |
|--------|---|--|
- 
- |        |   |  |
|--------|---|--|
| 12.2.3 | Work jointly with TrustMark and other agencies to raise the standards of work within the industry through awareness, compliance and communication of scheme benefits. |  |
|--------|---|--|
- 
- |        |   |              |
|--------|---|--------------|
| 12.2.4 | Work with TrustMark to establish a joint communications programme which provides access and information to both Registered Businesses and consumers | CoA clause 6 |
|--------|---|--------------|
- 
- |        |  |  |
|--------|--|--|
| 12.2.5 | Support TrustMark's communication plan with access to Registered Businesses for the purpose of TrustMark related updates |  |
|--------|--|--|
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12.2.6 To ensure that any disputes that may cause TrustMark to experience negative reviews or criticism within the public domain are notified immediately to allow proactive mitigation.

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12.2.7 Ensure that consumers have suitable access to information and data about Registered Businesses to support choices and enable informed decision-making about works required on their homes and property. Information must include, but is not limited to:

- a) Registered Business contact information
- b) Registered Business work categories/scope registered
- c) Access to consumer guides and advice on installation methods and practices
- d) Feedback and complaints processes and contact information
- e) Measures for which PAS 2030 certification is held, where appropriate

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# 13

## Assessment & Design

### 13.1 The key principles of Assessment & Design are:

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- 13.1.1 To ensure that all Registered Businesses approach the design stage processes (in context) with a holistic view and consider the consumers' home, its environment, heritage, occupancy and the consumer's improvement objectives when determining suitable measures.
- 
- 13.1.2 Scheme Providers will ensure that, where appropriate, Registered Businesses make energy saving claims connected with any proposed measures and that all claims will be in line with the approved figures and methodologies, providing robust data and analysis where required.
- 
- 13.1.3 Scheme Providers will ensure that, where appropriate, Registered Businesses performance claims, testimonials and claims relating to savings, financial payback, return on investment or income are clearly attributed to a reputable source.
- 

### 13.2 Scheme Providers will be required to meet the following:

- 
- 13.2.1 Ensure that Registered Businesses provide the customer with an assessment and/or design appropriate to the works to be performed.
- 
- 13.2.2 For measures delivered under the Energy Company Obligation that are referred to in PAS and for any other measures where compliance with PAS is claimed ensure, and be capable of evidencing, that Registered Businesses are:
- a) certified as compliant with the relevant PAS 2030 by a PAS 2031 accredited Scheme Provider/certification body, and
  - b) compliant with the relevant PAS for each measure,
- subject to the transitional arrangements and compliance and certification requirements for PAS 2030:2017, PAS 2035:2019 and PAS 2030:2019 in Annex B.
- 
- 13.2.3 To ensure Registered Businesses have processes in place to communicate to the consumer the reason for, nature of, any charges relating to any surveys or visits in advance – ensuring understanding by the consumer. The purpose is to ensure consumer understanding and awareness with clarity of costs to promote the use of fair and reasonable charges.
- 
- 13.2.4 To ensure that Registered Businesses provide consumers with a written report following any survey or assessment, either as a standalone report or as part of a formal quotation. A written report, where relevant, should contain the following:
- a) Statement of intended performance
  - b) Expected life of product of installation
  - c) Maintenance expectations
  - d) If the product complies with any design codes/guidance over and above minimum Building Regulations/Standards applicable in the respective geographical region
  - e) How the whole building has been considered during the design and how this new installation may affect the residents use of it
  - f) How the design parameters of the existing situation have been recognised and considered in the design e.g. Boiler design and insulation levels / ventilation and airtightness levels/garden plants and soil condition or type
-

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g) Considerations on future works and how allowances are made for the consumers future intentions and how future work has not been blocked.

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13.2.5 To ensure that Registered Businesses, after carrying out a pre-works survey, where it is found that the property is not suitable for the proposed works, the Registered Business explains the reason to the consumer, they will support in cancelling any agreements, refunding any deposits or pre-payments they hold in relation to the proposed work. Costs incurred by the Registered Business in conducting the pre-installation building survey, are subject to the conditions of the contract.

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13.2.6 To ensure that, where made, a Registered Businesses performance claims, testimonials and claims relating to savings, financial payback, return on investment or income are clearly attributed to a reputable source.

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# 14

## Monitoring & Evaluation (Energy Efficiency Measures)

14.1 The key principles of Monitoring & Evaluation are to:

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- 14.1.1 Ensure that consumers have access to suitable data and information to check or investigate works pertaining to their properties.

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  - 14.1.2 Support a system that enables the setting and revision of benchmarks, performance outcomes related to specific measures, building types and circumstances.

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  - 14.1.3 Create a feedback and learning loop to inform advice and guidance, design of improvement and installation practice.

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  - 14.1.4 Provide a mechanism for checking, and where necessary, investigating the performance of improvements that is independent of those delivering the works.

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  - 14.1.5 Give TrustMark access to data to support investigation of performance issues and feed back to relevant parts of the supply chain.
- 

14.2 Scheme Providers will be required to meet the following:

- 
- 14.2.1 For measures delivered under the Energy Company Obligation that are referred to in PAS and for any other measures where compliance with PAS is claimed ensure, and be capable of evidencing, that Registered Businesses are:
    - a) certified as compliant with the relevant PAS 2030 by a PAS 2031 accredited Scheme Provider/certification body, and
    - b) compliant, and able to evidence compliance, with the relevant PAS for each measure, subject to the transitional arrangements and compliance and certification requirements for PAS 2030:2017, PAS 2035:2019 and PAS 2030:2019 in Annex B.

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  - 14.2.2 Cooperate with TrustMark in gathering and providing access to data and other information concerning:
    - a) assessments
    - b) design (including relevant performance improvement predictions)
    - c) the works undertaken (including any concerns raised or remediation required)
    - d) information relating to post works performance
-

# 15

## Product Suitability

15.1 The key principles of Product Suitability are that:

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- 15.1.1 All goods and services supplied are in line with the Consumer Rights Act 2015.

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  - 15.1.2 All products meet the relevant safety standards.

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  - 15.1.3 All products and systems meet the relevant requirements of the Building Regulations/Standards as applicable in the respective geographical region.

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  - 15.1.4 All products meet their product claims and are suitable for the applications they are being proposed for.

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15.2 Scheme Providers will be required to meet the following:

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- 15.2.1 Ensure that their industry sector relevant requirements for product conformity is complied with by their Registered Businesses.

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  - 15.2.2 Where individual industry sectors have directories or lists of certificated products that must/can only be used, the Scheme Provider will ensure the requirement(s) are being complied with by their Registered Businesses. For example, MCS Certified Products.

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# 16

## Data & Information Sharing

16.1 The key principles of Data & Information Sharing are:

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16.1.1 TrustMark and industry stakeholders will:

- a) Develop/communicate new approaches for engaging consumers with energy efficiency and renewable energy (e.g. by using trigger points and promoting the wider benefits of the measures which are valued by households) and deliver awareness-raising programmes at national and local levels.
- b) Make available a set of impartial information and guidance to support more effective industry communications with customers and to aid consumer decision-making on installing measures, by establishing a central Information Hub (for best practice advice and guidance) and work towards developing a Data Warehouse (to act as a store for property-level data and information).
- c) Develop/communicate a range of services and tools linked to the Information Hub and Data Warehouse, once available, to provide advice (both online and by telephone) and to enable engagement with all consumers, including vulnerable households, in ways most appropriate to them.
- d) Develop a set of independent, impartial advice documents and/or web-based tools for both consumers and the supply chain covering each specific technology.

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16.1.2 Data shared with TrustMark will be used for scheme operation and improving standards. Such data may be included in the Data Warehouse and Information Hub and made available to consumers and enforcement agencies as required by law.

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16.1.3 Non-personal data may be combined with other data sets to provide insights and underpin improved standards of work.

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16.1.4 Where an installation is notified to Local Authority Building Control as part of a Competent Person's Scheme, operated by a TrustMark Scheme Provider, this may also be shared with TrustMark via agreement with MHCLG for purposes of quality mark delivery. This includes monitoring for audit and compliance and for inclusion of non-personal information into the Data Warehouse.

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16.2 Scheme Providers will be required to meet the following:

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16.2.1 Ensure compliance with all aspects of the General Data Protection Regulation (GDPR) and any other relevant data privacy and protection regulations e.g. PCI\_DSS and legislation as may be applicable or come into force during operation of the scheme.

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16.2.2 Where requested by TrustMark; provide quarterly property specific information relating to the assessments and audits undertaken. This must include details of the business, the measure and outcome. Similar data may also be required for complaints, disputes and sanctions along with resolution times, cause and outcomes to inform continual improvement and benchmarking.

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16.2.3 Where a business is removed from the register, the Scheme Provider will inform TrustMark. Information relating to removed businesses may be shared between Scheme Providers to minimise risks of 'phoenix companies' or re-registration of removed businesses with alternative Scheme Providers.

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16.2.4 Ensure that they and their Registered Businesses have an appropriate lawful basis, primarily within context of GDPR<sup>6</sup>, for sharing information with TrustMark and that the data can be included within the Data Warehouse and Information Hub.

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16.2.5 Where appropriate - Data sharing may occur:

- a) between Scheme Providers to prevent Registered Businesses moving between bodies when they are de-registered from one
  - b) between Scheme Providers and the relevant scheme administrators to ensure that non-compliance is identified and reflected in schemes
  - c) between all parties and TrustMark so that Scheme Providers can act on information provided to them from the schemes
  - d) between Scheme Providers and relevant obligated energy suppliers and UKAS to ensure that where non-compliance is identified it can be acted upon to improve standards
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16.2.6 Maintain records of all applicable works carried out by Registered Businesses under their certification scheme and covered by TrustMark. Ensure lodgement of data, where required.

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<sup>6</sup> <https://ico.org.uk/for-organisations/gdpr-resources/lawful-basis-resources/>

## Glossary

<b>Brand Identity Guidelines</b>	The document that details how and where the TrustMark branding may be used by our Scheme Providers, Registered Businesses and associated partners
<b>Building Regulations/Standards</b>	A minimum standard for design, construction and alterations to virtually every building
<b>Certification Body</b>	An organisation that has been accredited by UKAS as technically competent to offer certification services to their members
<b>Consumer</b>	An individual acting in their personal capacity, not in any trade or business, a tenant of rented accommodation or private rental sector landlord
<b>Customer</b>	Can be consumers, businesses or private rental sector landlord
<b>Demonstration Action</b>	As defined in article 20(5) of the ECO Regulations.
<b>Department for Business, Energy and Industrial Strategy</b>	Government sponsoring department of Master Licence Agreement – “Government Endorsed Quality”
<b>ECO Regulations</b>	Electricity and Gas (Energy Company Obligation) Order 2018 (as amended from time to time) <a href="https://www.legislation.gov.uk/uksi/2018/1183/made">https://www.legislation.gov.uk/uksi/2018/1183/made</a>
<b>Energy Performance of Buildings Regulations (EPBR)</b>	To make the energy efficiency of a building transparent and recommend energy efficiency improvements
<b>Financial Protection</b>	Consumer protection against financial loss or detriment for the product or service using one of the financial policies offered through the TrustMark financial protection panel.
<b>Framework Operating Requirements</b>	This document
<b>BS EN ISO/IEC 17065</b>	Conformity assessment - Requirements for bodies certifying products, processes and services
<b>ISO 9001:2015 (en)</b>	The international standard that specifies requirements for a quality management system (QMS). Organisations use the standard to demonstrate the ability to consistently provide products and services that meet customer and regulatory requirements
<b>The Ministry of Housing and Local Government (MHCLG)</b>	The Ministry of Housing, Communities and Local Government's (formerly the Department for Communities and Local Government) job is to create great places to live and work, and to give more power to local people to shape what happens in their area.
<b>PAS 2030:2017</b>	The specification for the installation of energy efficiency measures (EEM) in existing buildings
<b>PAS 2030:2019</b>	The specification for the installation of energy efficiency measures (EEM) in existing dwellings and insulation in residential park homes

<b>PAS 2031:2017</b>	Certification of energy efficiency measures (EEM) installation in existing buildings
<b>PAS 2031:2019</b>	Certification of energy efficiency measure (EEM) installation in existing buildings and insulation in residential park homes
<b>PAS 2035:2019</b>	Retrofitting dwellings for improved energy efficiency – Specification and guidance
<b>PAS</b>	Either PAS2030:2017, PAS 2030:2019 and/or PAS2035:2019 as applicable
<b>PAS 2030</b>	PAS2030:2017 or PAS 2030:2019 as applicable
<b>PAS 2031</b>	PAS2031:2017 or PAS 2031:2019 as applicable
<b>Phoenix Company</b>	The practice of carrying on the same business or trade successively through a series of companies where each become insolvent in turn
<b>Registered Business</b>	A business that is registered with a Scheme Provider and commits to comply with the TrustMark Code of Conduct and Customer Charter
<b>Retrofit</b>	Renovation or refurbishment of existing buildings to upgrade the energy performance of the building
<b>Scheme Provider</b>	An organisation that meets the Framework Operating Requirements and other relevant industry standards and monitors Registered Businesses for compliance
<b>TrustMark</b>	Holder of the Master Licence Agreement to operate the Government Endorsed quality mark scheme
<b>UKAS</b>	The UK's National Accreditation Body, responsible for determining, in the public interest, the technical competence and integrity of organisations such as those offering testing, calibration and certification services

## 1. Annex A

### APPLICANT AND REGISTERED BUSINESS REQUIREMENTS

The following is the TrustMark criteria for applicant and/or Registered Businesses and are the mandatory minimum requirements, supplemented by additional industry specific requirements set out by Scheme Providers.

On the initial assessment of an application the requirements must be demonstrated where indicated with “Y” or be subject to a 'declaration of intent' where indicated with “Y\*”. Following registration, all requirements indicated with “Y” in the “Ongoing” column must be in place and, where applicable, evidenced to the Scheme Provider as required.

Requirement on applicant or Registered Business		Initial	Ongoing
<b>1.1 Suitability of a business to be registered on the scheme</b>			
1.1.1	Declare, as required by the Scheme Provider, previous membership of, or removal from other certification/registration schemes/bodies.	Y	
1.1.2	Provide evidence of a trading address (evidence could be validated via credit reports, Companies House or site visits by the Scheme Provider). This address may be: <ul style="list-style-type: none"> <li>a) residential or registered trading address</li> <li>b) a Virtual Office address providing the Scheme Provider has validated the Business’s actual residential address and this information can be made available upon request</li> <li>c) a PO Box providing the Scheme Provider has validated the Business’s actual physical address and this information can be made available on request.</li> </ul>	Y	Y
1.1.3	Provide, or allow the Scheme Provider to access evidence of financial track-record / bona fides / credit rating at residential and/or trading address and accept that Scheme Providers have the right to conduct other background checks as they see appropriate.	Y	Y
1.1.4	Declare any County Court Judgements at residential and business trading address - accepting that the Scheme Provider may access such evidence independently and that spent County Court Judgement will be at the discretion of the Scheme Provider.	Y	Y
1.1.5	Hold all current relevant insurances; Employer’s Liability, Public Liability, Professional Indemnity, covering accidental damage caused to customers property.	Y	Y
1.1.6	Ensure that all key documents (e.g. quotations, contracts, terms & conditions etc) include the legal entity of the Registered Business and current contact details.	Y	Y
1.1.7	Comply with current Health and Safety at Work Act 1974 and all relevant health and safety legislation; and where required documented policies, procedures and records.	Y*	Y*
1.1.8	Comply, where relevant, to the scope of registration and nature of contracts undertaken with the Construction, Design and Management Regulations 2015.	Y*	Y*
1.1.9	Comply with current waste regulations – relating to licensing necessary for the carriage, transfer, storage and/or disposal of waste.	Y	Y
1.1.10	Update the Scheme Provider with key changes such as: <ul style="list-style-type: none"> <li>a) legal status or trading title</li> <li>b) trading address</li> <li>c) director(s)</li> <li>d) capability (key personnel, reducing scope of registration)</li> <li>e) legal judgements relevant to the scope of registration</li> </ul>	Y	Y

1.1.11	Comply with the TrustMark Code of Conduct and Customer Charter ensuring information is shared amongst employees and sub-contractors, where applicable.	Y*	Y*
<b>1.2 Capability to Supply the Service for which the Business is registered</b>			
1.2.1	Quality will be evidenced by onsite assessments of current or recently completed work carried out for every trade/service included in the business's scope of registration. Schemes of a type referenced in 6.3.4 will be recognised.	Y	Y
1.2.2	Works completed outside of the registration criteria as referenced in 1.2.1, must adhere to the relevant industry standards (where applicable) and the requirements of the TrustMark Code of Conduct.	Y*	Y*
1.2.3	Provide evidence of competences for trades applied for or registered.	Y	Y
1.2.4	Where trades relate to the installation of measures that are delivered under the Energy Company Obligation and that are referred to in PAS or to the installation of any other measures in respect of which compliance with PAS is claimed: a) Must be certified as compliant with the relevant PAS 2030 by a PAS 2031 accredited Scheme Provider/certification body, <i>and</i> b) Must comply, and be able to evidence compliance, with the requirements of the relevant PAS, subject to the transitional arrangements and compliance and certification requirements for PAS 2030:2017, PAS 2035:2019 and PAS 2030:2019 in Annex B.	Y	Y
1.2.5	Where the measure is not specified in PAS 2030, it must be installed in accordance with building regulations and any other regulations that relate to the installation of the measure	Y	Y
1.2.6	Maintain records of competence and training records for all employees and sub-contractors, where appropriate.	Y	Y
<b>1.3 General Consumer Protection Requirements</b>			
1.3.1	Comply with all relevant and current consumer protection and unfair trading practices legislation.	Y*	Y*
1.3.2	Comply with General Data Protection Regulations for the protection of privacy and personal information.	Y*	Y*
1.3.3	Comply with the Scheme Providers' requirements for financial protection where relevant.	Y*	Y
1.3.4	Take appropriate steps when dealing with vulnerable people. 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. The Registered Business must make the necessary effort, and allow enough time, ensuring vulnerable consumers understand all aspects of signing a contract for goods and services and, where appropriate, suggest the involvement of a trusted friend or relative.	Y*	Y*
1.3.5	Ensure that an appropriate number of people within the Registered Business hold a Disclosure and Barring Service (DBS) report if the Registered Business believes that they regularly work with vulnerable people. This requirement must be part of the Registered Business' business assessment process.	Y*	Y*
1.3.6	Act in a non-discriminatory fashion and comply with all current anti-discrimination and equality regulations.	Y*	Y*
<b>1.4 Pre-Installation Activities including Marketing, Sales, Survey, Design, Quotation &amp; Contract</b>			

1.4.1	Comply with Advertising Standards Authority (ASA) guidelines and requirements for legal, decent, honest and truthful advertising, and compliance with the branding requirements.	Y*	Y*
1.4.2	Respect a consumer's expressed wish that they do not want to receive unsolicited visits, canvassing, mailshots or telephone calls, including respect for displayed notices declining doorstep cold calling.	Y*	Y*
1.4.3	Not use high pressure selling techniques and shall leave immediately if requested to do so.	Y*	Y*
1.4.4	Provide honest, clear and helpful advice on the pros and cons of any proposed works including, but not limited to, signposting the customer to independent advice before signing any contracts.	Y*	Y*
1.4.5	Provide written quotations, estimates, contracts (on values over £500), contract variations and cancellation notices. An exception to this will be for immediate, emergency call-out work where time is of the essence.	Y*	Y
1.4.6	Ensure that any performance claims, testimonials and claims relating to savings, financial payback, return on investment or income are clearly attributed to a reputable source.	Y*	Y
1.4.7	Provide quotes, invoices and contracts in accessible formats, including but not limited to large print.	Y*	Y*
1.4.8	Allow consumers enough time to read and understand the information before contracts are signed and make themselves available to provide any further requested information.	Y*	Y*
1.4.9	Accept full responsibility for the work or services provided by any sub-contracted business, alternatively, the sub-contracting business must also be TrustMark registered. Ensure that any sub-contractors are identified to the consumer and the works that fall outside of your TrustMark registration.	Y*	Y
1.4.10	Where compliance must be shown with the current PAS2030(17): a) have in place and use procedures and processes for Energy Efficiency Measures (EEM) design validation and complete pre-installation building assessments b) have procedures in place to carry out a pre-design and/or pre-installation building surveys on suitable properties, using a competent and qualified person, before the consumer signs a contract	Y	Y
1.4.11	Have processes in place to communicate to the consumer the reason for, and nature of, any charges relating to any surveys or visits in advance – ensuring understanding by the consumer.  <i>NB: The purpose of this requirement is to ensure consumer understanding and awareness with clarity of costs to promote the use of fair and reasonable charges.</i>	Y*	Y
1.4.12	Check for the impact on any quote or contract of relevant, current legislation for the protection of protected species, e.g. bats, newts, native plants etc.	Y*	Y*
1.4.13	Provide consumers with a written report following any survey or assessment.	Y*	Y
1.4.14	Where a pre-installation building survey finds that the property is not suitable for the proposed works, explain the reason to the consumer and provide support in cancelling any agreements, refunding any deposits or pre-payments they hold in relation to the proposed measure installation.  <i>NB: Costs incurred by the Registered Business in conducting the pre-installation building survey, are subject to the conditions of the contract.</i>	Y*	Y

## 1.5 Providing the Service to the Customer

1.5.1	Only supply and/or install goods that correspond to their description, are of satisfactory quality, fit-for-purpose, safe and must comply with all the applicable UK & EU legislation and industry standards (including, where necessary, CE marking and other product marking).	Y*	Y
1.5.2	Ensure that installed products integrate with other works and be mindful of the activities of other trades.	Y*	Y
1.5.3	Ensure that instruction manuals, maintenance requirements and appropriate warranties are handed over to the consumer on completion of work.	Y	Y
1.5.4	Comply with local planning requirements, and such issues as Permitted Development rules etc.	Y*	Y
1.5.5	<i>Comply with the published TrustMark requirements for the lodgement of works.</i>	Y	Y

## 1.6 Complaints and Dispute Handling

1.6.1	Have in place a responsive, accessible and user-friendly dispute handling policy and process, which is free to the customer, tenants of rented accommodation and private rental sector (PRS) landlord to the point of mediation, with a prescribed time limit for responding to disputes.	Y	Y
1.6.2	Make consumers aware of the dispute procedure, including access to Alternative Dispute Resolution process.	Y	Y
1.6.3	Retain records of disputes and customer satisfaction evidence.	Y	Y
1.6.4	Participate in a disputes process for all works undertaken outside of your respective scheme's remit and TrustMark registration.	Y*	Y*

## 1.7 Branding and Promotion of the Scheme

1.7.1	Promote the scheme through effective use of the brand in line with the Brand Guidelines document.	Y	Y
1.7.2	Make consumers aware of the benefits of the scheme.	Y*	Y*

## 1.8 Compliance with Scheme Requirements

1.8.1	Make available to the Scheme Provider all records they require to manage application and registration.	Y	Y
1.8.2	Make available to the Scheme Provider such sites as required for assessment for application and registration.	Y	Y
1.8.3	Ensure the attendance of suitable competent individuals as required by the Scheme Provider for application and registration activities.	Y	Y
1.8.4	Comply with all instructions issued by the Scheme Provider in identifying and resolving any non-compliance within the requirements of the scheme.	Y	Y
1.8.5	Cooperate fully with any investigation by the Scheme Provider or TrustMark where they become involved in a complaint or dispute.	Y	Y

## 2. ANNEX B

### ENERGY EFFICIENCY MEASURES (EEM), COMPLIANCE WITH PAS AND THE REQUIREMENTS FOR ECO

#### Introduction

This annex details the requirements for the delivery by Trustmark Registered Businesses of energy efficiency measures delivered under ECO and that fall within the scope of PAS 2035:2019, PAS 2030:2019 and PAS 2030:2017.

The annex also details our requirements for those energy efficiency measures delivered outside the scope of ECO and where a Registered Business is claiming compliance with the PAS specifications. It also sets out the transitional arrangements for moving to the new PAS 2035:2019 and PAS 2030:2019 specifications.

#### Background

PAS 2030:2017 is the current industry specification covering the installation of certain energy efficiency measures in existing buildings.

PAS 2035:2019 is the new overarching document in the retrofit standards framework specifying a holistic approach to the retrofitting of dwellings, better defining qualification and responsibility of the individual retrofit roles and the respective activities required prior to the commencement of the physical installation. It is not possible to be certificated to PAS 2035:2019 and as TrustMark is delivering the compliance function, we will require TrustMark Registered Businesses carrying out work within its scope to be compliant with its requirements; subject to the transition arrangements described later in this annex.

PAS 2030:2019 is the new industry specification to replace PAS 2030:2017 and is inextricably linked to PAS 2035 with increased focus on the requirements of the installer. The established certification requirement and process will continue as with PAS 2030:2017. Scheme Providers shall ensure that their Registered Businesses that deliver services within the scope of these specifications, are compliant and work within the scope of their certification; again, subject to the transitional arrangements described later.

The standards framework has been revised in response to industry learning on good practice and the recommendations of the Each Home Counts Review <sup>7</sup>. As such the new specifications PAS 2035:2019 and PAS 2030:2019 came into effect from [30th June 2019](#).

TrustMark is incorporating the new specifications into its compliance framework so that going forward, where a consumer engages with a TrustMark Registered Business in relation to the installation of energy efficiency measures, they can have confidence that the work is delivered to improved recognised specifications and is underpinned by a compliance regime. The lodgement of work facilitated by PAS 2035:2019 becomes an intrinsic component in establishing a risk model informing where to direct our compliance process. Likewise, we can share our growing knowledge with industry to support change.

#### Transitional Arrangements

It is recognised that some transitional arrangements are required to support the industry uptake of the new specifications. The transitional arrangements apply to Scheme Providers and Registered Businesses involved in the delivery of energy efficiency measures that are included within the scope of the respective PAS *and* within the primary scope of this annex i.e. energy efficiency measures that are delivered under ECO and those delivered outside the scope of ECO but where compliance is claimed with these specifications.

The transitional arrangements are as agreed with:

- The British Standards Institution (BSI)

<sup>7</sup> <http://www.eachhomecounts.com/>

- The Department for Business Energy and Industrial Strategy (BEIS),
- The Office of Gas and Electricity Markets (Ofgem)
- The United Kingdom Accreditation Service (UKAS)

The transitional arrangements are as follows:

1	A 24-month transition period from the date of coming into effect of PAS 2035:2019 and PAS 2030:2019 specifications – 30th June 2019 to 30th June 2021. This transition period has been agreed to allow time for UKAS to accredit certification bodies and subsequently for certification bodies to certify Registered Businesses.
2	During the transitional period, once a Scheme Provider or an alternative certification body (as appropriate) is accredited to PAS 2031:2019 by UKAS, it shall no longer issue new certifications to PAS 2030:2017.
3	During the transitional period, Registered Businesses must be certified as compliant with either PAS 2030:2017 or PAS 2030:2019 by a PAS 2031 accredited Scheme Provider/ certification body, subject to the restrictions on new certifications set out in (2) above, and must comply, and be able to evidence compliance, with the PAS against which it is certified. Once a Registered Business is certified as compliant with PAS 2030:2019, it must comply, and be able to evidence compliance, with PAS 2035:2019 as well – this includes using a PAS 2035:2019 design specification.
4	The transitional arrangements will expire on 30th June 2021 after which all Registered Businesses delivering energy efficiency measures within the scope of PAS 2035:2019 and PAS 2030:2019 must be certified as compliant with PAS 2030:2019 by a PAS 2031:2019 accredited Scheme Provider/ certification body and comply, and be able to evidence compliance, with both PAS 2035:2019 and PAS 2030:2019. This will ensure that all Registered Businesses are certified to PAS 2030:2019 by the end of the transitional period.

**Approach to Compliance**

The table below summarises the PAS requirements for TrustMark Registered Businesses both during and post the PAS 2035:2019/PAS 2030:2019 transition period in respect of measures that fall within the scope of PAS 2035:2019, PAS 2030:2019 and PAS 2030:2017:



Management of a retrofit project and its compliance is the responsibility of the Retrofit Coordinator and they will be TrustMark registered via a Scheme Provider as described in Annex C, qualified as per the requirements of the PAS and be responsible for ensuring that the parties involved in the energy efficiency retrofit of domestic dwellings are qualified and TrustMark registered as per the following table:

Role	Requirement	TrustMark Registered
Retrofit Advisor	Qualified as per PAS2035	No
Retrofit Assessor	Qualified as per PAS2035	Yes
Retrofit Designer	Qualified as per PAS2035	No
Installer	PAS 2030 Certified	Yes
Retrofit Co-Ordinator	Qualified as per PAS2035	Yes
Retrofit Evaluator (see Co-Ord)	Qualified as per PAS2035	No

The Retrofit Coordinator will take the responsibility to ensure that the required outputs of each of the roles are lodged in the Data Warehouse. <https://www.trustmark.org.uk/ourservices/data-warehouse>

Scheme Providers are required to provide to TrustMark details of their Registered Businesses PAS certification number, and the PAS Annexes their Registered Business are certified to work to. This PAS data supplies the TrustMark mechanism that prevents lodgement of work in uncertified areas.

TrustMark will audit the data lodged into the Data Warehouse. The data lodged will be used to consider numerous factors to assign a risk score against an installation. Risk modelling will seek to consider a variety of factors that may include but not necessarily limited to:

- Installer
- Scheme Provider (Certification Body)
- Energy Supplier
- Measure failure rates
- Number of measures installed by installer
- Outcomes of monitoring
- Property type, age and tenure

A random selection of work will always be an integral part of the process to ensure a comparison can be made.

An audit failure will be expected to be remediated by the person/business who has claimed conformity. For work conducted under PAS 2035 this will be the Retrofit Coordinator who will manage the remediation process, unless the reason for the failure is directly attributable to them; in which case they must perform the remedial action as required.

Where an audit failure has an impact on the validity of lodgement data, a re-lodgement will be required considering any remediation activity.

Where any remediation of works is required where it is the responsibility of a PAS 2030 certified business/individual, but the remediation is not performed within timescale or to standard, the relevant Scheme Provider will be advised with an expectation to drive the remedial activity, reflecting the current disputes process.

Where an onsite monitoring failure is identified a revisit will be performed, where required, based on risk. Revisits and/or administration activity may be chargeable.

Lodgement of work installed prior to the transition to PAS 2035:2019 and PAS 2030:2019 will require declaration of compliance by the Registered Business that it complies with PAS 2030:2017 requirements at the time of lodgement. After transition the lodgement of work will require declaration of compliance by the Registered Business that it is compliant with PAS 2030:2019 and/or PAS 2035:2019 respectively.

### 3. ANNEX C

#### Requirements for Energy Assessor, Retrofit Assessor and Retrofit Coordinator Scheme Providers

##### Quality Assurance for All Retrofit Schemes

Scheme Providers shall register individual persons that meet the initial and on-going eligibility requirements for the Retrofit Scheme(s) they wish to participate in.

The TrustMark Framework requirements apply and in conjunction with PAS 2035:2019, where applicable, as the primary terms of technical, procedural and qualification reference. The Ministry of Housing and Local Government (MHCLG) accreditation of Energy Assessor Schemes is recognised by TrustMark. The transfer of the proven standards and quality assurance methodologies create a robust platform to build from. Scheme Provider applications for each of the schemes must include and comprehensively detail the relevant sections of PAS 2035:19 within the proposed Scheme Provider requirements to applicant and registered individuals.

To complement the approach taken by Scheme Providers, TrustMark will also monitor the outputs of the Retrofit Assessors and Retrofit Coordinators lodged in the Data Warehouse within TrustMark's PAS 2035:2019 compliance activities. The monitoring will be a blend of remote and site-based audit.

Non-compliance of intended outcome and performance failures will be monitored for resolution to PAS 2035:2019 and re-lodgment will be required where necessary. Non-compliance will be reported to the appropriate Scheme Provider for the appropriate action.

##### Retrofit Scheme Models

TrustMark requires a compliance model for activities where no physical product is installed within the dwelling and has derived a set of principles and requirements for Scheme Providers to meet. Core models have been adopted for Scheme Providers that wish to provide TrustMark Registration of Retrofit Assessors and Retrofit Coordinators respectively.

#### 1 Retrofit Assessor Schemes

The TrustMark model for these schemes recognises the structures of the Energy Performance of Buildings Regulations (EPBR), as overseen by MHCLG. Scotland has similar rules and procedures overseen by their Government's Building Standards Division.

Subject to demonstrating compliance with the Framework Operating Requirements, TrustMark will Licence pre-approved organisations to deliver such Schemes for these roles that are of the type approved and audited by the government to ensure operation and adherence to the Scheme Operating Rules owned by MHCLG, the Scottish Building Standards Division and the Energy Assessor Scheme Operating Board (EASOB).

Those working under the EPBR, overseen by MHCLG and under the Scottish rules, are working within a compliance framework built on the legislation and inside a consistently developed methodology of operation. This allows accreditation schemes significant visibility and control of the activities of those within their membership; and has been applied for over ten years; and is proven to be effective without the routine need for post completion site-based assessments.

#### 2 Retrofit Coordinator Schemes

Where aspirant Scheme Providers or those seeking to extend their TrustMark scope of licence are not pre-approved by MHCLG under the EPBR as previously described, an equivalent approach based on an approved quality or compliance model may be submitted for consideration by TrustMark. Any proposed requirements must assess the substantial nature and responsibilities of a Retrofit Coordinator.

### **The Role of The Retrofit Coordinator**

The role protects both client and public interest and is responsible for overseeing retrofit projects from initial engagement to satisfactory conclusion, i.e. risk, whole house and ventilation assessments, design, installation, handover, declarations of compliance, subsequent monitoring and evaluation and lodgement into the data warehouse. Responsibilities are detailed as including the following:

- Project management including programming and advising on the budget
- Reporting to and advising the Client throughout the project
- Collating data and requiring the PAS 2035:2035 risk assessment
- Assessing and managing technical and procedural risks
- Establishing intended outcomes and agreeing them with the Client
- Coordinating and overseeing the project team (Advisor, Assessor, Designer, Installer, Evaluator)
- Carrying out, summarising and reporting the improvement option evaluation (Paths B and C)
- Preparing the medium-term low-carbon improvement plan (Paths B and C)
- Making or coordinating applications for statutory approvals
- Managing a tender process to identify and appoint Retrofit Installer(s)
- Negotiating contract(s) with Retrofit Installer(s) on behalf of the Client
- Providing toolbox talks to communicate the design intent and key messages
- Administering contract(s) with Retrofit Installer(s)
- Inspecting retrofit work to check progress, quality and compliance with the design
- Making defects inspections and specifying any necessary remedial works
- Overseeing the specified testing and commissioning of installed measures
- Overseeing the handover of the project on completion
- Adjudicating any disputes between the Client and the Retrofit Installer(s)
- Collating evidence and claiming compliance with PAS 2035:2019
- Issuing any certificates required by the contract
- Is making lodgements to the TrustMark Data Warehouse
- Bringing the project to a satisfactory conclusion
- Carrying out and reporting post-completion monitoring and evaluation

### **Requirements for the Approval of a Retrofit Assessor / Coordinator**

Scheme Providers must have the resources and competence for the sector in which they wish to register individuals.

### **Records**

The Scheme Provider shall maintain records of:

- All individuals that it has audited for compliance with PAS 2035:2019 including:
  - The numbers and dates of any claims of compliance with PAS 2035:2019
  - Where relevant, a record of any funding scheme that applied to the project
- The identity of Retrofit Assessor / Coordinator, in a manner that can be made available to potential customers or other interested parties
- The identity of any Retrofit Assessor / Coordinator who has been suspended or withdrawn, together with the date of and reason for that action
- Records shall be retained for the minimum period as specified within the respective foundation document e.g. the MHCLG Scheme Operating Requirements or PAS 2035:2019

## **Retrofit Project Compliance**

### **Initial**

Taking account of the number and scale of projects, the Scheme Provider shall have on-site pre, mid and post audit activities, where applicable, to confirm that the Retrofit Assessor / Coordinator:

- Can demonstrate the required qualification for the role
- Has in place and uses processes that deliver with the requirements of PAS 2035:2019
  - Has the necessary records / templates, filing and retrieval system;
  - Has the required access to perform Data Warehouse lodgements;
- Can verify claims of installer compliance with PAS 2030 (Retrofit Coordinator only)

### **Surveillance**

Scheme Providers shall complete ongoing checks and monitoring of each registered individual using a blend of desktop and dual (on-site) audits, where applicable, and reviews based on risk and experience of the registered individual (also see Annex A). The monitoring of registered individuals must consider sector specific standards, codes of practice and scheme rules.

Scheme Providers will use the results of assessment visits, audits and dispute investigation to inform risk rating, sample size, type and frequency of the ongoing audit regime for each registered individual.

### **Non-Conformity**

The Scheme Provider shall determine a non-conformance (observation or major and minor) approach with actions / sanctions to be taken in the event of such a non-conformance.

### **Claims of Conformity to PAS 2035:2019 (Retrofit Coordinator only)**

Scheme Providers shall ensure that any such claims made by Retrofit Coordinators are verified by competence, process and records.

### **Monitoring and Evaluation (Retrofit Coordinator only)**

Retrofit Projects shall have a detailed schedule of monitoring arrangements and their outcomes recorded.