

TrustMark (2005) Limited,
10th Floor - Arena Offices,
Grosvenor House,
Basing View, RG21 4HG

Consultation Response

Which? response to the TrustMark Consultation on building stronger protection for home improvement customers

Link to consultation: <https://www.trustmark.org.uk/pages/trustmark-consultation>

Submission date: 27/10/2026

Summary

Consumer protection in the home improvements sector is in urgent need of reform. It has the highest level of detriment of any UK sector with an estimated total net monetised detriment of £10.3 billion annually ([Consumer Detriment Survey](#), National Centre for Social Research, 2024). These longstanding and serious failings highlight the need for wide reaching systemic change.

In principle we are supportive of several of the reforms that TrustMark is proposing, including the proposal to create a single front door for consumers who are unable to resolve a dispute with a trader and for consumers to have a single point of contact for handling their complaint. We also welcome measures to improve accountability and reduce duplication in the sector. However at this stage, we are unable to give the proposals our full support without more information as to how they will work alongside other reforms that are being proposed for the sector, and more information about how they will be delivered.

1. Coordination with government and other organisations

Consumer protection in home improvements is overly complex and fragmented. The proposals in this consultation go some way in trying to address this complexity but we strongly encourage TrustMark, the government and other organisations in this sector, to work together to address this complexity by delivering a simpler and better coordinated consumer protection landscape.

TrustMark's consultation follows the DESNZ consultation on reforming consumer protections for home improvement schemes, the launch of the new MCS installer scheme, and recent government announcements about the role of CTSI approved schemes. The government is also introducing reforms in the wider building and construction sector and has longer term

plans to overhaul the wider consumer protection landscape.¹ It is important that these different initiatives are coordinated and result in a system that is easy for consumers to navigate and that efficiently delivers good consumer outcomes. We are concerned that without greater coordination, these reforms will be a wasted opportunity to address the fragmentation of the sector.

We are aware that coordination is the responsibility of the government and all the actors in this sector. As the government endorsed quality scheme, TrustMark has an important part to play in this discussion and in particular they need to ensure that scheme providers' role is realistic and agreed with them.

1. A clear focus on consumer outcomes

TrustMark should put the delivery of positive consumer outcomes at the heart of the scheme. It should have clear definitions of the outcomes it wants to achieve and ensure it is collecting evidence that enables it to measure its progress in meeting those outcomes.

For example, we encourage TrustMark to proactively seek consumer feedback on the work that is done by traders. This will encourage consumers that may not know how to provide feedback or do not have the confidence to do so. Where possible, TrustMark should also measure the performance of measures that have been installed. This is possible with renewables and insulation but could also be extended to other equipment. Consumer feedback and performance data should be used to inform the development of a smart auditing system.

2. A simplified consumer journey

We welcome the principle of there being a single front door for consumers and case management of consumer complaints where the complaint can't be resolved with the trader. This should ensure consumers understand how to get support for the resolution of complaints and are not passed between different organisations.

However in order for this approach to be successful there must be coordination with government and other organisations to ensure multiple initiatives don't result in consumers facing multiple front doors. There must also be clear processes and systems of accountability 'behind the scenes' so complaints can be resolved efficiently and effectively. For a "front door" to work, consumers must be made aware of it and there must be the capacity and skills to handle, what could be, a large number of complaints.

3. Transparency and accountability

Accountability and transparency are critical for developing a system that has the confidence of consumers and other stakeholders. We welcome the commitment to collect more data and share this data with stakeholders. We urge TrustMark to also collect data about its own

¹ [Government steps in to protect families from cowboy builders and aggressive bailiffs](#), gov.uk, 2026.

performance. All data should be made publicly available unless there are justifiable privacy or commercial reasons not to.

We understand that the government has increased its oversight of TrustMark following the failings that took place under the ECO and GBIS schemes. TrustMark should also create a mechanism to ensure independent consumer oversight. This could be through the creation of a governance level post or independent group that has the capacity to investigate issues of concern and the freedom to publish their findings.

Full response

1. Do you support the proposal for TrustMark to hold a direct relationship with registered businesses and registered individuals governed by a binding agreement?

Unable to say.

We agree that the introduction of binding agreements clarifies the responsibilities of TrustMark and the trader. It also gives TrustMark the ability to suspend and expel members from the scheme, or ultimately take the trader to court, if they fail to meet their contractual obligations.

However, in order to avoid confusion and cost, there needs to be a coordinated approach to the introduction of binding agreements or contracts in the buildings and home improvements sector. Under the government's proposals for home energy improvement schemes, it is proposed that a new consumer protection service will have contracts with installers that are registered to deliver work funded by government schemes. MCS has also introduced their own contracts under their reforms.

TrustMark scheme providers may also have, or want to introduce, contracts with their members. If TrustMark membership requires traders to also belong to a scheme provider then this could result in two overlapping contracts. Whilst traders will be used to having contracts with different service providers, where these contracts relate to very similar issues, duplication should be avoided.

TrustMark must also be clear that it has the capacity to handle the number and variety of contracts that would be required if they were to have binding agreements with all their registered traders. Currently TrustMark has more than 18,000 registered businesses across 156 different types of service.

2. Do you agree with the proposal that Scheme Providers' role in the TrustMark scheme be streamlined to confirming and validating competence/certification?

Unable to say.

We agree that there is a need to simplify the fragmented standards landscape that currently operates in the building and home improvements sector. This has been highlighted in CMA reports and the recent DESNZ consultation. This is likely to include the centralisation of some services, where a single body can effectively deliver those services.

We agree that TrustMark is unlikely to have the sector specific expertise required to do competency checks, and scheme providers will be better placed to do this work. We assume that this will include checking the trader's qualifications, their work before joining the scheme, and conducting ongoing audits. TrustMark should specify whether these checks will include the businesses compliance with the TrustMark Code of Conduct and Customer Charter that cover important issues such as marketing practices, quotations and contracts, and complaints handling.

TrustMark will be reliant on the quality of these checks and the accuracy of the data that scheme providers provide and will therefore need the means to check the quality of the processes and the accuracy of the data and feedback they receive. As noted in the government consultation on reforming consumer protection for home improvement schemes, there is a need to introduce consistent standards across certification bodies and reduce duplication, for example where a certification body could perform the role of a Competent Person Scheme.

We are also concerned that where there is more than one scheme in a sector, competition between these schemes for members can create a conflict of interest and an incentive to reduce standards and be more lenient on businesses, to the detriment of consumers.

Where checks include consumer feedback we are unclear whether the proposal is for the scheme provider or TrustMark to collect this feedback and take any required action. Our assumption is that TrustMark would seek and receive the feedback but if that feedback highlights a technical issue the scheme provider will be better placed to investigate.

3. Do you support TrustMark carrying out business suitability and due-diligence checks, including individual-level checks (such as identity verification and a personal credit check)?

Unable to say.

We understand that if TrustMark is able to collect information about business suitability themselves they will have greater control over the quality of the data. Also this type of information does not require sector specific knowledge and could be collected through a single centralised system. A centralised system should deliver consistency, and allow for investment in the process to ensure it is rigorous and efficient.

However the consultation doesn't say whether TrustMark has discussed these proposals with scheme providers and whether scheme providers intend to continue to collect this information for their own purposes. We support the principle that was set out in the DESNZ consultation whereby data is collected once and shared. It may be possible for scheme providers to have an agreement with TrustMark whereby TrustMark collects the data and

shares the data with them or confirms key attributes such as that the business is registered and has met financial checks. Without this sort of agreement the proposals could lead to duplication, and potential confusion if there are differences between the data held by the scheme provider and TrustMark.

We are also unclear as to whether TrustMark collecting this data will deliver any efficiency saving if the scheme provider is in contact with the trader at the same time to ensure they have the right qualifications and competencies. From a trader's perspective this could lead to confusion and be an added burden.

In relation to the checks that TrustMark is proposing for individual traders/installers it would be useful to have more information. We agree it would be useful to include these details in lodgements. Checks to ensure that individuals have appropriate qualifications and, if they are entering homes, do not have criminal convictions would appear to be appropriate. However it should be clear that external checks do not alter the responsibility of the business to employ suitably qualified and responsible employees, and the business remains liable in the case that they fail to meet legal requirements.

4. Do you agree that obligations such as guarantees, remediation and data retention duties should remain enforceable after a business's registration ends?

We agree that the contract that a trader has with TrustMark could specify the obligations that the trader will remain responsible for in the event that they are no longer a member of TrustMark. We assume these obligations would be limited to any work done by the trader during the contract period, and the time period that these obligations remain in force would be set out in their contract.

If the trader has failed to meet their contractual obligations either during their membership or after leaving TrustMark, then TrustMark would have the ability to make a claim for breach of contract. As mentioned in previous answers, it is important that traders don't have contracts with different organisations covering the same obligations and, if they do have more than one contract, the obligations are consistent.

5. Do you have any views regarding the options for enforcing continuing liabilities, for example personal liability?

The consultation doesn't provide enough information to respond to the proposal. Companies operate under articles of association with individual liability limited, so it is difficult to understand how TrustMark could make changes in this area.

However there is a link between the question and 'phoenixing', or the practice whereby individuals put a company into administration when it is suspended or expelled from a scheme, and then open a new company. This exposes consumers to unscrupulous traders and poor practices and we support TrustMark and scheme providers developing effective agreements for collecting and sharing information about the owners or senior managers of these companies to prevent this happening.

6. Do you support TrustMark's proposed approach to competence and certification validation? (see section 8)

We agree that scheme providers should continue to manage competence and qualifications as they have the necessary sector level expertise. TrustMark should ensure that it is clear which trades the trader is qualified to deliver and this must be communicated clearly to consumers.

The commitment to developing "governance arrangements .. to manage the accuracy, timeliness and methodology of initial and on-going competence and certification data" is critically important as ultimately TrustMark must take responsibility for the certification of its members.

We welcome the reference to TrustMark monitoring delivery of consumer outcomes. Delivering good consumer outcomes should be central to assessments and the criteria on which the scheme is judged. We encourage TrustMark to continue to develop and consult further on their plans in this area.

7. What types of work risk categories should be considered and what types of work should fall into those categories?

We understand that this will be addressed under the government's reforms. Once these have been set any TrustMark policy should adopt the government requirements as a minimum for their own standards.

8. Do you support TrustMark's proposed approach to extending the requirements for lodgement?

We support the proposal in principle, but we would need more information about the work that would be included by extending the requirement and the criteria that is used to understand the implications.

We encourage TrustMark to work with the government to understand how lodgement can work alongside requirements for building control to ensure high standards and simplify the process for consumers.

We also support proposals for building logbooks and encourage TrustMark to consider how lodgement can support these proposals.

9. Do you support a risk-based pricing model to cover the cost of quality assurance activities based on work risk?

No response.

10. Do you support TrustMark's proposed approach to risk-based quality assurance, including the use of data analytics and targeted audit?

We support the use of risk based auditing, as long as all installers are subject to an agreed minimum level of audit on a regular basis. Caution is needed around the flexibility of regular audits to ensure that a system that is designed to have an audit every twelve months does not become one where audits are only held every 18 months or even less often.

We agree that data also has an important role in an audit system, however more explanation is needed for the terms such as ‘data and tech backed independent quality checks’ and ‘100% digital audit of key data’ that are used in the consultation.

Our assumption is that scheme providers will continue to conduct audits given the need for trade specific knowledge.

Where an audit reveals that work hasn’t been completed competently, the auditing regime should look at the work that the trader has completed since their last audit to ensure that it has met the required standards.

Automatic processes should be in place to flag changes that may signal concern including changes in the financial situation, ownership or management of the company, as well as significant changes in the number of contracts or the type of work that the company is doing.

We recommend that all households that have had work done by a certified trader are proactively contacted to ask if they are satisfied with the work and a short standardised questionnaire is used to ask for their feedback. Where relevant we also encourage the government, schemes and businesses to develop the in-situ performance monitoring of work (for example insulation, heat pumps and other low carbon tech) to ensure the equipment is delivering the efficiency levels intended. These two measures will give a strong indication of whether the installation has been successful without the expense of a site audit. It will also provide a rich dataset for understanding the performance of traders.

11. Do you support TrustMark becoming the primary consumer contact point for complaint escalation and dispute resolution for work carried out under the quality scheme?

In principle we support reforms that simplify the consumer journey and provide greater support for consumers that are struggling to resolve a complaint with their installer. This would include creating a “single point of escalation” and managing any escalations on behalf of the consumer. The aim should be to make the process as quick and easy as possible. Consumers should feel supported and should not be passed around different organisations, or individuals within TrustMark.

However, any reforms should be undertaken in coordination with government plans and with other organisations in the sector. MCS has recently introduced reforms to make them the primary consumer contact point for complaint escalation in the renewables sector and under

DESNZ proposals for government home upgrades the department has proposed that a new consumer protection service will be the first primary consumer contact point. DBIST is also undertaking wider work on the consumer landscape including ADR. Whilst individual reforms can be well meaning, multiple uncoordinated initiatives can result in a confusing and dysfunctional system for consumers.

It is also important to note that currently, there is very low consumer awareness of TrustMark, and the consultation doesn't explain how, if these proposals were adopted, consumers would be made aware of TrustMark and their role in escalating complaints.

12. What are the key areas a consumer complaints process should include to be genuinely accessible, including for vulnerable consumers?

Consumers should initially raise their complaint with the trader. If they are unable to resolve the issue, the trader should provide them with information about how they can escalate the complaint by contacting a third party such as TrustMark that will offer advice, mediation and ultimately arbitration.

All actors, including businesses, schemes, and government, must take responsibility for making consumers aware of the ability to make a complaint and provide them with clear information about straightforward, easily accessible routes to make their complaint.

The complaints process must be accessible to all with non technical language, non digital options, and support for people that cannot access standard formats or that don't have english as a first language. These routes should offer the same quality of outcome as digital routes and shouldn't put additional burdens on users.

Consumers should receive proactive support through the process of making a complaint to support consumers that may be wary of complaining and reduce the number of consumers that drop out of the process due to the time and stress involved.

The timescales for making a complaint and processing a complaint must be reasonable and clearly communicated. There should be additional safeguards in place to protect consumers who are making a complaint where the issue is resulting in emotional or physical harm and where action may need to be taken quickly.

Where a complaint can't be resolved the consumer should have access to an independent Ombudsman with the necessary expertise, independence, oversight and accountability mechanisms to deliver effective outcomes for consumers . The ADR process should be free for the consumer and the decision should be binding on the business.

In relation to vulnerable consumers: both traders and TrustMark employees will require training and protocols to effectively identify consumers that are vulnerable and treat vulnerable consumers appropriately. Consumers don't always identify themselves as vulnerable and information may come to light at any point in the consumer journey. Vulnerability may be transitory or situational as a result of job loss, digital exclusion, health emergency.

A “Tell us once” system that has the consent of the consumer can support communication between different bodies involved in a complaint. Once identified a vulnerable consumer should not be expected to explain their circumstances to others or be subject to questions or behaviour that may be difficult for them.

13. Do you support TrustMark having the right to appoint a third party to carry out remediation, at the business’s cost, where the business fails to act?

In principle we agree that a third party should be appointed to conduct remediation at the business’s cost where an ADR decision or a court finds against a business and they fail to undertake the remediation required, or where the consumer is unwilling for the business to complete the work.

We are unclear how this would work alongside the introduction of new financial protections that provide remediation in the event that a business goes into administration, is not responding to contact or fails to comply with an ADR decision.

14. Do you support TrustMark’s proposed approach to financial protection requirements under the scheme?

We agree with the NHIC proposals for financial protection and support TrustMark implementing these proposals.

In relation to the solidarity fund, we agree that consumers should not have to pay for failures that are not a result of anything they have done. However there are a number of protections in place and we are concerned that a solidarity fund would result in consumers paying for an additional levy that will only be used when these schemes have failed to provide the protection they were meant to deliver.

15. Do you support that TrustMark should have direct sanctioning powers?

We agree that TrustMark should be able to sanction traders including for example a requirement to undertake further training, and ultimately suspension or removal from the scheme. Where non-compliance contravenes building regulations or consumer protection law the business should also be referred to Building Control, Trading Standards or the police as appropriate.

16. Do you agree with the proposal for the implementation of graduated sanctions?

We agree that a graduated compliance model can create an appropriate level of deterrence. Depending on the issue it can be appropriate to formally notify the installer of the issue or require installers to complete training. For more serious offences a suspension may be necessary whilst investigations are completed. Ultimately cases of regular or serious non compliance should lead to removal from the scheme and referral to building control or trading standards.

There should be a rigorous onboarding process to assess and support companies that apply to join a certification scheme including an assessment of their previous work. This should prevent unreliable or unqualified installers from joining the scheme and help to avoid any initial compliance issues as a new installer establishes their business within the scheme.

All cases of non compliance should be recorded and used to inform the risk based auditing of installers with any non-compliance automatically leading to more regular audits, which in itself will be a deterrent.

Alongside deterrence, it is critical that the design of the compliance model ensures consumers are protected from the impact of any non compliance. Installers that are found to be non compliant on any aspect that impacts on the consumer must be compliant in order to continue work under the scheme. Any consumer that has been affected by a non compliant installation or non compliant practices must have the work put right or receive support to remedy the situation.

17. Do you support moving to a business size-based pricing model?

No response

18. What support and transition period do you think that Scheme Providers will need to change to a scheme where TrustMark has a direct relationship with registered businesses and individuals?

We don't have any evidence to contribute for how long a transition period scheme providers and businesses will require to transition to a new scheme however, this question should also consider the important question of how long it would take TrustMark to transition to this model of working.

We note that it took MCS nearly three years from the start of the consultation period to the launch of their new installer scheme. Aside from the impact on businesses and scheme providers it will be a major challenge for TrustMark to take on the additional responsibilities identified in the consultation document. TrustMark currently has 18,000 members. MCS has 5,600 members.

The systemic failings that occurred under the ECO scheme and GBIS are also a warning against introducing a scheme that doesn't have sufficient capacity and before it has been sufficiently tested to ensure it is fit for purpose.

19. What support and transition period do you think that registered businesses and individuals will need to change to a scheme where TrustMark has a direct relationship with them?

See our response to question 18.

20. Are there any other comments you would like to make regarding the TrustMark proposed scheme changes?

Coordination with stakeholders. A piecemeal approach to reform is highly unlikely to resolve the problems in this sector and a much more coordinated approach is urgently needed. This consultation is a first step but we strongly encourage TrustMark to engage with the government and other organisations to develop their proposals. The consumer protection landscape in the buildings and home improvements sector is notoriously complex and fragmented. This is a major contribution to the very high levels of consumer detriment in these sectors. It allows unscrupulous traders to exploit the system and makes it harder for consumers to get resolution if anything goes wrong.

Oversight and transparency. The consultation provided very little information about how TrustMark will ensure there is sufficient independent oversight of its operations. This is critical to ensuring that the organisation is meeting its objectives and can have the confidence of consumers. We understand that the government has increased its oversight of TrustMark's work since the systemic failings under the ECO scheme and GBIS were identified. In addition we would welcome more information about:

- **Independent consumer representation.** TrustMark should create a mechanism to ensure independent consumer representation. The post or group should have capacity to investigate issues of concern and freedom to publish their findings.
- **Transparency.** The consultation says TrustMark will collect more data on installation activity, audit findings and installer performance and this will be available to the government and others. TrustMark should also publish its own performance data including information about complaints made against installers and TrustMark processes.

About Which?

Which? is the UK's consumer champion, here to make life simpler, fairer and safer for everyone. Our research gets to the heart of consumer issues, our advice is impartial, and our rigorous product tests lead to expert recommendations. We're the independent consumer voice that works with politicians and lawmakers, investigates, holds businesses to account and makes change happen. As an organisation we're not for profit and all for making consumers more powerful.

For more information contact:

Justin Macmullan

Principal Policy Advisor (Consumer Rights and Sustainability)

justin.macmullan@which.co.uk

October 2026