



National service
& Local to you

Core Criteria 2014



On-site
inspected
by qualified
inspectors



Finding
reputable
tradesmen

Peace
of
mind



Greater
consumer
empowerment



Not for profit
social enterprise

Operating to Government
Endorsed Standards



Department
for Business
Innovation & Skills

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14,500 registered firms offering public access to more than **21,000** trade services

More than **30** searchable trades operating locally across the UK

Consumer advice blog regularly written by TrustMark's trading standards expert

More than **5.2 million** tradesmen's details given to the public in 2013 as a result of searches on TrustMark's website and calls to its 24/7 telephone helpline

TrustMark strides ahead

Commitment to
TrustMark in
'Construction 2025' –
the industrial strategy
for construction

“TrustMark is an easy way for consumers to identify tradesmen who have agreed to abide by industry standards of competence and fair trading.”

Consumer Minister, Parliamentary Under-Secretary of State for Business

TrustMark is the Government backed quality scheme that signposts people to reputable local firms and expert tradespeople working to Government-endorsed standards.

The persistent problem of incompetent and rogue traders in the UK's home repair, maintenance and improvement market is the source of great distress, disruption and financial loss for many homeowners. It also causes huge political concern and frustration, and pernicious reputational damage for an entire industry where the good, hardworking majority are unfairly tarred with the same brush as the cowboys.

TrustMark was launched to the public in January 2006 as the Government backed quality scheme that signposts people to reputable local tradesmen. It is now a registered social enterprise, operated under licence from the Department for Business, Innovation and Skills.

TrustMark's website has an easy to use postcode search facility, based on the largest database of inspected and accredited tradesmen in the country. It covers all of the UK.

All TrustMark Registered Firms' technical skills have been independently checked through on-site inspections to ensure a high quality of workmanship and trading practices. TrustMark is the only scheme that requires qualified inspectors to do these visits, so that tradespeople's technical competence is checked as well as business practices and customer satisfaction.

TrustMark approved Scheme Operators and registered firms make a commitment to work to Government-endorsed standards – you'll find the latest standards (the 'Core Criteria') published here.

In the Industrial Strategy for Construction published in July 2013, Government and industry recognised the importance of the TrustMark scheme for its role in improving the reputation of construction and building positive perceptions of the industry to 2025. The strategy also committed to supporting TrustMark, expanding the scheme to include a greater proportion of the industry, and promoting the new core criteria standards and the industry and consumer groups that support them.

This is a strong vote of commitment to TrustMark and we thank all the excellent organisations that have given us so much support over the years.



Chairman

Introduction

The purpose of this document is to set out a summary of the TrustMark Core Criteria – the Government-endorsed standards which apply to all Scheme Operators that wish to set up and maintain a TrustMark scheme. The TrustMark Core Criteria will now be reviewed and updated every year

In this 2014 update to the Core Criteria we aim to

- Ensure the Core Criteria is fit for purpose in a modern market and provides an appropriate level of consumer protection
- Capture the existing best practice and improvements that Scheme Operators have introduced themselves since 2005
- Strike the right balance between reducing consumer detriment and making the standards workable across a broad range of trades
- Achieve greater parity between the TrustMark Core Criteria and the requirements of other schemes such as the new Consumer Codes Approval Scheme, the Green Deal, Competent Persons schemes etc
- Update the Core Criteria in line with the latest relevant EU and UK legislation
- Support the growth and competitive advantage of Scheme Operators and their TrustMark Registered Firms who can have pride in the standards they achieve

This document is split into ten parts and each part outlines:

- **TrustMark's Objectives** – the key outcomes that TrustMark is looking to achieve through the spirit and letter of the requirements
- **The Scheme Operator's responsibilities and requirements** – the minimum standards required by TrustMark and key responsibilities of a Scheme Operator and TrustMark Registered Firms
- **TrustMark's Longer-term Objectives** – this will set out the direction of travel of the scheme and key outcomes that TrustMark is working towards

Section 1

Scheme Operator Application Process and Guidance

TrustMark's Objectives

- To promote an effective, open and fair process for checking and approving Scheme Operators
 - To attract and swiftly approve Scheme Operators of high calibre, which will meet or exceed the TrustMark standards and will be a force for good in the industry
-

Scheme Operator's Responsibilities

A Scheme Operator must

1. Participate in the application process in such a way as to provide TrustMark with all relevant information about its organisation, vision, values, aims and ability to set up and grow the size, quality and impact of the TrustMark Scheme
2. Support any statements made on the application form with evidence or statements of intent to achieve or introduce specific standards or processes



Section 2 The Quality of Scheme Operators

TrustMark's Objectives

- I To ensure that a Scheme Operator is capable, upon application and on an on-going basis, of fulfilling the role that is expected of them, including improving standards and quality of customer service
 - I To ensure consumers can always have confidence in Scheme Operators which can always demonstrate that they are working within a robust and independently-verified quality management system that strives to raise standards and will avoid conflicts of interest
-

Scheme Operator's Responsibilities

A Scheme Operator must

1. Demonstrate a commitment to raising standards within the industry, particularly in relation to competence, quality of workmanship, quality of service and customer care and demonstrate a commitment to tackling areas of consumer detriment or undesirable trade practices
2. Demonstrate the ability and will to manage the scheme impartially so as to avoid conflicts of interest in vetting, monitoring, complaints handling and disciplinary procedures
3. Demonstrate sufficient financial strength to meet TrustMark's objectives and show its financial probity by providing recently audited annual accounts at application and at audits
4. Provide documentary evidence that business planning for their TrustMark scheme operation takes place and is reviewed at least every twelve months and is updated as necessary
5. Show adequate human resources, management, administrative, marketing, digital and technical skills by providing an organisation chart and details of roles, responsibilities and skills. Maintain records to demonstrate that staff who act as inspectors are competent to undertake their role
6. Show that relevant staff members understand the requirements of the TrustMark Core Criteria as relevant to their role



7. Implement and maintain a quality management system; ISO9001:2008 as a minimum, or equivalent as judged to be adequate by TrustMark, for all key processes including the vetting and monitoring of firms, complaints handling, disciplinary processes and the overall monitoring of performance of the scheme
8. Adopt and comply with appropriate industry standard requirements, such as the Building Regulations, British Standards, ISO17065:2012 etc
9. Act honestly and fairly and must not knowingly do anything that might bring the TrustMark Scheme into disrepute
10. Exercise its duties as a legal Member of TrustMark (2005) Limited, including voting at Forums, AGMs and EGMs
11. Attend Forum meetings and participate in Forum business, including discussions around raising standards, promoting improvements and maintain sufficiently senior representation at meetings so that representatives may act as spokespeople for the Scheme Operator's views and can commit to actions and/or instigate or implement action within the organisation
12. Participate in the development, review and updating of TrustMark Standards, including participating in Working Groups as relevant to the trades and activities within the scope of the Scheme Operator Licence Agreement

Section 3 Communications

TrustMark's Objectives

- I To ensure TrustMark can always fulfil its oversight responsibilities, including delivering accurate, up-to-date information to consumers, industry, Government and other stakeholders, and to ensure TrustMark's other general information and insights into the Scheme is current and correct
- I To ensure TrustMark can always provide consumers with a reliable, searchable list of local TrustMark Registered Firms and ensure that firms have an effective route to market
- I To ensure effective communications between TrustMark, Scheme Operators and Registered Firms
- I To ensure that Scheme Operators and Registered Firms play a full part in building awareness of TrustMark and consumer understanding of the benefits of using a TrustMark Registered Firm

Scheme Operator's Responsibilities

A Scheme Operator must

1. Submit CSV Files (and any other data requested) promptly to TrustMark when changes occur to Registered Firm membership numbers or details. CSV files must be updated at least every 28 days
2. Deliver reports to TrustMark on agreed metrics and KPIs for the Scheme in order for TrustMark to carry out its oversight functions, both on a quarterly basis and additionally as and when required, including
 - i) Number of firms currently registered with TrustMark
 - ii) Number of formal complaints during the period, number closed and number still active (refer to section 9 for the definition of a complaint)
 - iii) Number of firms involved in disciplinary proceedings and number expelled from the Scheme during the period for disciplinary reasons
3. Aid effective communication about TrustMark to all Registered Firms, other tradespeople, consumers, MPs, media and other relevant stakeholder groups
4. Have an active and on-going communications programme to promote TrustMark and tools to help Registered Firms do the same. Including links to clear, jargon-free and appropriate information so that consumers and tradesmen can understand what it does, how the Scheme works and the benefits to them

Working towards

5. Provide additional data to measure the effectiveness of TrustMark scheme:
 - a) Number of vetting inspections carried out in the period
 - b) Number of interventions made to address branding issues and use of TrustMark logo
 - c) Outcomes of complaints (found in favour of customer / found in favour of tradesman / mixed outcome / referred to independent arbitration / cases still open and carried forward)
 - d) Number of jobs insured/receiving the TrustMark/Scheme Operator warranty
 - e) TrustMark to introduce a Data Policy to protect and keep confidential all data provided by individual Scheme Operators
 - f) Scheme Operators to share between them a register of expelled firms

Section 4 Branding

TrustMark's Objectives

- I To achieve visible, consistent and accurate use of the TrustMark brand by all Scheme Operators and reduce the opportunity for confusion among consumers (particularly when firms may be offering or advertising multiple trades)
 - I To reduce and, ultimately, eradicate the unauthorised use and misuse of the brand
 - I To ensure effective liaison with Trading Standards Services and other authorities who can take formal action against brand misuse
-

Scheme Operator's Responsibilities

A Scheme Operator must

1. Promote TrustMark through effective use of the dynamic logo and TrustMark imagery and to comply fully with the branding guidelines
2. Provide access to TrustMark brand guidelines and ensure that all Registered Firms are aware of the requirement to use the TrustMark logo download facility to obtain the correct logo for the trades for which they are registered
3. Take action to remedy any identified or known incorrect use of the TrustMark brand by a firm that is registered with TrustMark via the Scheme Operator
4. Alert TrustMark about unauthorised use or misuse of the logo by non-registered firms when it becomes aware of such situations

Section 5 Compliance Audit

TrustMark's Objectives

- I To ensure TrustMark can always rely on Scheme Operators being in full compliance with their Operator Licence Agreement and that TrustMark continues to meet their and consumers' expectations

Scheme Operator's Responsibilities

A Scheme Operator must

1. Participate in an audit (annually, or more frequently as required by TrustMark or its appointed representative) to check that the Scheme Operator is in full compliance with its Operator's Licence Agreement and the TrustMark Core Criteria
2. Keep all appropriate records for the vetting and monitoring of Registered Firms and allow TrustMark access to this information for the purpose of annual audit
3. Make available to TrustMark a register of inspectors used during the year and evidence of their qualifications or competencies
4. Make available to TrustMark a copy of its latest ISO9001:2008 surveillance report or agreed equivalent, at the time of annual audit

Working towards

5. TrustMark, in collaboration with Scheme Operators, to establish minimum competences for inspectors, assessors and Registered Firms' employees where they currently do not exist

Assessment and Monitoring of Registered Firms

TrustMark's Objectives

- To ensure Scheme Operators are proactively maintaining the quality of the TrustMark Scheme through their vetting and on-going monitoring of firms using all knowledge and available resources, including reducing the risk presented by 'phoenix companies'
 - To ensure all TrustMark Registered Firms are of the highest standard and will remain in full compliance with their Sub-Licence Agreement and the TrustMark Core Criteria
 - To ensure that on-site inspections are performed by a competent or suitably qualified inspector
-

Scheme Operator's Responsibilities

A Scheme Operator must

1. Prove the thoroughness and effectiveness of its initial vetting and on-going checks on Registered Firms
2. Carry out initial checks which include an extensive document and online review (details below) and an on-site inspection of work in progress for every Registered Firm for each and every trade applied for to judge its work against agreed industry standards
3. Ensure that on-site inspections are performed by a competent or suitably qualified inspector for the trade/s being inspected

Entry checks on each firm will include

- a) Relevant qualifications, competences and/or experience for trades applied for
- b) Technical competence – checks to include an on-site inspection by a competent inspector, in line with agreed standards for each and every trade a firm is registered for
- c) County Court Judgements at home and business trading address
- d) Trading history evidence (for the last six months) at stated trading address
- e) Trading address evidence, such as bank statements or utility bills

- f) Financial track record / bona fides / credit rating at home and trading address
 - g) Previous membership of / expulsion from the TrustMark Scheme on application
 - h) History of complaints and customer satisfaction. Ask if there are any current or unresolved complaints – use Data Protection Form for Trading Standards check
 - i) Review of key documents; quotations / contracts / terms & conditions and ensure they include the legal entity of the firm/sole trader
 - j) Maintenance of levels of competence and training record for all employees, where appropriate
 - k) Awareness of the current Health & Safety at Work etc. Act 1974 requirements
 - l) Awareness of the current Waste Regulations – carriage, storage and disposal of waste applicable to their trade/s
 - m) Awareness of the current consumer protection and unfair trading practices legislation
 - n) Ensuring that installed products are fit for purpose, integrate with other measurers and are mindful of other trades
 - o) Awareness of the Building Control Regulations and notification requirements that apply to geographical area, by trade, for materials used and technical specifications
 - p) Awareness of relevant, current legislation for the protection of protected species, eg. Bats, Newts, native plants etc
 - q) Ensure products with appropriate CE marking are used and that instruction manuals, maintenance requirements and warranties where appropriate, are handed over to the consumer
4. Firms holding membership or registration to the following schemes will be seen to satisfy the technical requirements for entry into TrustMark
- a) Green Deal (comply with PAS2030)
 - b) Energy Companies Obligation
 - c) Microgeneration Certification Scheme
 - d) Competent Persons Scheme
 - e) Gas Safe Register
5. Should a firm not have a six month trading history, the Scheme Operator may register the firm as 'in probation' and monitor their activities closely for a period of six months, after which time they will become a fully Registered Firm and appear on the TrustMark website





6. Carry out on-going checks, including an annual document and online review, and an on-site inspection(s) which will be carried out no later than the third anniversary of joining the scheme and at similar intervals thereafter

On-going checks on each firm will include

- a) Current relevant qualifications and/or experience for trades applied for
 - b) Technical competence – check to include an on-site inspection by a qualified or competent inspector, in line with agreed standards for each and every trade a firm is registered for
 - c) County Court Judgements or other legal judgements that may have arisen since the previous check
 - d) Continued trading address evidence, such as bank statements or utility bills
 - e) On-going financial track record / bona fides / credit rating at home and trading address
 - f) History of complaints, unresolved complaints and customer satisfaction
 - g) Review of key documents; quotations / contracts / terms & conditions
 - h) Compliance and awareness of changes with the Health & Safety at Work etc. Act 1974
 - i) Compliance and awareness of changes with the Waste Regulations – carriage, storage and disposal
 - j) Compliance and awareness of changes with consumer protection and unfair trading practices legislation
 - k) Compliance and awareness of changes with Building Control Regulations and notifications
7. Carry out more frequent and prompt on-site inspections of Registered Firms' work or documentation if found necessary (eg. following an increase in complaints)
 8. Follow up on any non-compliance issues within 30 days and/or suspend membership
 9. Record all checks electronically or in hard copy format

Working towards

10. Carry out additional checks such as
 - Management competence and/or Director status – personal references from a qualified independent source
 - Enforcement Orders or Enforcement Undertakings issued under the Enterprise Act
 - Disclosure & Barring Service (DBS) report where appropriate for key personnel, eg. when dealing regularly with vulnerable people

Section 7 Code of Practice

TrustMark's Objectives

- I To ensure consistent delivery of a Code of Practice or equivalent commitment to TrustMark requirements by all Registered Firms and their sub-contractors
 - I To ensure that consumers experience good practice and have confidence in the Scheme
-

Scheme Operator's Responsibilities

A Scheme Operator must

1. Establish a Code of Practice / Membership Rules to which Registered Firms will agree to abide throughout their involvement in the Scheme. Firms will confirm this pledge upon entry and renewal of their registration to the scheme
2. Provide guidance notes to all Registered Firms and, where necessary, further access to advice and training for firms on how to comply with the Code of Practice or equivalent
3. Make the Code of Practice or equivalent available without charge to customers, complainants and others with a legitimate interest
4. Develop ways to measure the effectiveness of the Code of Practice or equivalent, including compliance with the Code and how it reduces consumer detriment, complaint trends, customer satisfaction and member audits, and make available the results of these monitoring procedures to TrustMark when requested
5. Regularly review the Code of Practice or equivalent and update its provisions in the light of changing circumstances and expectations
6. Ensure the Code of Practice or equivalent incorporates any Scheme Operator or industry specific requirements on top of TrustMark's minimum mandatory requirements as follows:
 - a) Compliance with all relevant and current consumer protection legislation
 - b) Compliance with all relevant health and safety legislation
 - c) Compliance with current waste regulations – in particular the requirements to apply the waste hierarchy and requirements relating to the carriage and transfer of waste
 - d) Compliance with and reporting of work under Building Control notifications



- e) Compliance with Advertising Standards Agency guidelines and requirements for legal, decent, honest and truthful advertising, and compliance with TrustMark branding requirements
- f) Hold relevant insurances; employers, public and professional indemnity (as appropriate)
- g) The Registered Firm will take full responsibility for any sub-contracted work, or related work at the same location which is undertaken by the firm, or sub-contractors, which is outside the scope of the firm's registered trades
- h) Have in place a speedy, responsive, accessible and user-friendly complaints handling policy and process, with a prescribed time limit for responding to complaints
- i) Be able to offer an insurance backed warranty or equivalent (see Section 8)
- j) Provide written quotations, estimates, contracts, contract variations and cancellation notices and encourage the use of the TrustMark app or agreed industry form of contract when appropriate. An exception to this will be for immediate, emergency call-out work where time is of the essence
- k) Make consumers aware of the benefits of the Scheme and the complaints procedure, including access to Alternative Dispute Resolution (ADR)
- l) Respect a consumer's expressed wish that they do not want to receive unsolicited visits, canvassing, mailshots or telephone calls at home, including respect for displayed notices declining doorstep cold calling
- m) Avoid pressure selling techniques and leave immediately if requested to do so
- n) Take appropriate steps when dealing with special needs and vulnerable people in their homes

Working towards

- 7. Provide a written, detailed quotation, specific contract or equivalent, for all jobs above £1000.00 plus VAT
- 8. Ensure all employees of the Registered Firm carry some form of ID linking individuals to the firm or Scheme Operator

Section 8 Insurance Protection

TrustMark's Objectives

- I To ensure that consumers have adequate protection available should a Registered Firm cease trading in regard to pre-payments, deposits, work in progress and, for two years post completion, for workmanship. Claims relating to materials used will be subject to the manufacturer's guarantee and all the consumer's statutory rights
- I To provide protection for work carried out in excess of £500.00 plus VAT, in the form of an insurance backed guarantee provided by a UK based organisation that is registered and regulated by the Financial Conduct Authority (FCA), or an organisation base outside of the UK, but is passported into the FCA scheme
- I To provide adequate financial consumer protection to cover any subsequent claims

Scheme Operator's Responsibilities

1. Through its Registered Firms, Scheme Operators will provide consumers with the option of a warranty covering pre-payments and rectification of defects or major damage, including non-compliance with Building Regulations in the event of a Registered Firm ceasing to trade

Working towards

2. Provide a mandatory two year guarantee for Registered Firms, covering pre-payments, deposits, work in progress and post completion cover for workmanship for work valued in excess of £500.00 plus VAT. Claims relating to materials used will be subject to the manufacturer's guarantee and all the consumer's statutory rights
3. The process for issuing insurance cover and certificates must be automatic for work in excess of £500.00 plus VAT, available for activation and consumer feedback via an online process

Section 9 Complaints

TrustMark's Objectives

- To help all parties reach an amicable resolution wherever possible, building increased customer satisfaction and consumer confidence
- To ensure that all Registered Firms understand their obligations to deal properly with customer complaints
- To ensure Scheme Operators can deal swiftly with breaches of the Code of Practice or equivalent so that the consumer detriment stops quickly and complaints are minimised
- To make available to consumers a speedy, accessible, clear and user-friendly complaints process which helps to reduce the need for legal action
- To ensure vexatious or unjustified complaints are dealt with efficiently, fairly and firmly
- To ensure TrustMark and its Scheme Operators understand 'what good looks like' for consumers and can meet their expectations, acting early and effectively to minimise consumer detriment
- To ensure adequate policies and procedures are in place to deal with a Scheme Operator's non-compliance with the Scheme Operator licence or the Core Criteria
- TrustMark and its Scheme Operators will not become involved in business to business disputes and complaints unless they may cause an adverse impact on the reputation of the TrustMark Scheme

Definition of a complaint: An active, recorded intervention on the part of the Scheme Operator to investigate and resolve a dispute.

Scheme Operator's Responsibilities

A Scheme Operator must

1. Maintain a speedy, responsive, accessible and user-friendly dispute resolution and complaints handling process operating to appropriate timescales, which is free of charge to the consumer up to the point of mediation/arbitration. All processes must take into account the requirements of all current and newly updated consumer protection legislation
2. Provide the same level of co-operation with local consumer advisers or any other intermediary acting on behalf of a consumer when making a complaint as they would to the complainant
3. Ensure that dispute or complaint resolution procedures include an option for alternative dispute resolution where a dispute or complaint cannot be resolved through agreement of the parties involved
4. Ensure that any complaints review panel has an element of independence in its make up
5. Ensure an adequate level of technical expertise is used when necessary in complaints investigation and dispute resolution process
6. Ensure its complaints handling process includes clear escalation steps understood by all parties, with set timescales
7. Co-operate with all TrustMark complaint handling procedures, providing any related documents and statements upon request and providing TrustMark with accurate data on complaints when requested
8. Ensure that in all cases there is a right of appeal against any decisions made
9. Be flexible in its processes and provide help and assistance where necessary, for example when dealing with vulnerable people
10. Ensure robust arrangements are in place to ensure consumers are supported if a Registered Firm unreasonably refuses to co-operate with the scheme's complaints investigation or dispute resolution process. For example; provide the consumer with written reports and/or statements to support the claim, or source another tradesman to rectify and/or complete the work
11. Establish and maintain a good working relationship with TrustMark and Trading Standards to enable effective interventions when necessary
12. A Scheme Operator may choose to suspend a complaint if either party takes legal action. In such cases the investigation of the complaint will resume immediately following a legal judgement and, if necessary, the Scheme Operator will apply appropriate disciplinary action and sanctions on the Registered Firm upon conclusion of the complaints process

Working towards

13. Resolving complaints within 30 days of receiving all of the relevant documentation
14. Establish and use a methodology to benchmark the scheme's complaints handling against current and upcoming consumer expectations
15. Use the Resolver online service for complaint handling





Section 10 Disciplinary Process

TrustMark's Objectives

- I To ensure that the Core Criteria and all TrustMark's requirements on Registered Firms are achieved and maintained by the Scheme Operator through appropriate use of disciplinary processes and procedures when required
- I To ensure that consumers and Registered Firms can be confident that TrustMark requirements will be enforced effectively, consistently, fairly and impartially

Scheme Operator's Responsibilities

A Scheme Operator must

1. Proactively use information from monitoring processes, complaints and other sources to identify problem firms that may need disciplinary action or investigation
2. Publish its disciplinary process which must include time limits for remedial action and the appeals process etc
3. Ensure that an appropriate and proportionate level of action is taken against a Registered Firm through the disciplinary process
4. Demonstrate that they have a robust and consistent approach and procedure for sanctions, suspension and a firm's expulsion from the scheme. The procedure will define the process and include an appeals procedure
5. Ensure any decision making and sanctions will rest with a disciplinary panel that has an element of independence from the Scheme Operator or their Registered Firms. This will ensure the avoidance of any form of conflict of interest
6. Ensure consumers' interests are always taken into account in the event of a firm's termination – eg. providing assistance to the consumer, if required, to source options for alternative local firms for any remedial work required
7. Record and keep on file details of all disciplinary cases for a minimum of 12 months after a firm's leaving the scheme
8. Reserve the right to share or publicise information on expulsions, including making these known to TrustMark, other Scheme Operators and local Trading Standards Services where the firm is based

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