

British Healthcare Trades Association

Approved Code Scheme

Audit 15 October 2024

Background Information

The British Healthcare Trades Association (BHTA) is a well-established body originally set up to provide mobility aids for people wounded in WW1. The Association comprises of several distinct sections operating under one banner. Their members sell to consumers and businesses but also directly to public bodies such as the NHS and Local Authority Health & Social Care. BHTA currently have 343 members.

The Code is primarily designed to provide enhanced protection for consumers. However, as it is considered best practice, there is an expectation that all Members should apply the code criteria whether they are supplying direct to consumers or via business-to-business contracts. Market penetration of membership of BHTA varies depending upon the sector, in the prosthetics sector accounting for almost 100% of the market, whereas within the sector of the provision of stair lifts it is closer to 50%.

Audit Process

The desktop audit was carried out by a Trading Standards Practitioner from the Chartered Trading Standards Institute (CTSI).

The audit focused on the following areas:

1. Outstanding actions/observations from last audit
2. Any planned changes to the code or to the operation of the code
3. Member application process, including checks carried out on prospective businesses
4. Member auditing - content and process (including general compliance with the code, staff training and dealing with consumer complaints)
5. Sanctions for non-compliant member businesses
6. Any disciplinary cases in previous year
7. Consumer complaints process (including Alternative Dispute Resolution, or ADR)
8. Customer satisfaction, information/complaints from enforcement agencies, and how this information is used to develop and improve the code.

Audit Summary

Due to the departure of the Head of Policy and Compliance in December 2021 and the appointment of David Stockdale as CEO in June 2022, BHTA is still going through a period of review and change. This has continued through 2024 as BHTA completes its 'Code and Compliance Transformation' with the assistance of a Chartered Trading Standards Practitioner and Approved Codes Auditor. The 'root and branch' reviews in this transformation focused on 'Updating and Streamlining the BHTA Code of Practice, Modernising Compliance Practices, and Reviewing the Operating Model'.

Following the Covid pandemic and Government lockdowns, there have been changes in how the teams at BHTA work, with remote working being adopted, with some offices closing and turnover of some staff; remote working and remote compliance audits will be used going forward.

BHTA continues to provide support to its members and provide insights regarding important developments in the healthcare sector, especially in relation to post-Brexit changes. On behalf of its members, BHTA engages with and lobbies key stakeholders, including government and regulatory bodies.

The revised Consumer Code has been approved by CTSI. It aims to make the Code of Practice simpler and more user-friendly, and to reflect market changes (e.g. online selling). The Code will be supplemented by a set of 2-page, subject-specific 'Explainers,' as Annexes to the code itself.

Recommendations from last audit

This was the recommendation on the last audit: 'The current review of member monitoring will be comprehensive and will modernise the process. Any resulting changes to the Code should be agreed with CTSI.'

Following the review, BHTA is moving to a solely remote online 'desktop' audit using a comprehensive checklist as part of the Code and Compliance Transformation; this is ongoing and considered acceptable and efficient. The checklist covers the important requirements of the BHTA approved code.

Member Application Process

All applications are thoroughly considered, with an initial screening check and a more thorough check for those applicants that progress to formally submit their application. The applicant is required to complete a detailed assessment and checklist.

All checks are captured in BHTA's Customer Relationship Management system (CRM).

The applications confirm that applicants are 'fit and proper' and have received and read BHTA's Code, articles and terms and conditions. Applicants are subject to checks appropriate to the business, e.g., Companies House listing, Advertising Standards Authority rulings, and correct listing with the FCA (if offering credit). If an applicant does not pass any of the checks the matter is escalated to the Head of Policy and Compliance, further questions are raised on a 'Do not Admit' list, and further investigations are carried out before a decision is made as to whether to agree the application.

BHTA have welcomed 17 new members in the last 12 months. Recent applications were provided for review. The member applications were examined. All criteria were indicated to have been checked and found to be satisfactory.

New members are supplied with comprehensive information packs on operation of the code brand guidelines and logos etc.

The BHTA Marketing Team follow up with a telephone call to talk new members through what has been sent and also seek their engagement on social media to help grow their business.

Existing Member Inspections / Audit

BHTA currently has 343 member companies. See comments in **Recommendations from Last Audit**; the new system will provide a more efficient system with better coverage.

Membership Termination / Withdrawal and Sanctions for Non-Compliant Member Businesses

Non-compliant members face a range of sanctions, including closer scrutiny, suspension of membership or expulsion. There have been no members subject to disciplinary proceedings since the last audit.

In the last year, 15 members have left BHTA.

There are no members currently in the disciplinary process.

Consumer Complaints Process

In the financial year ending 30 June 2024, BHTA logged 60 contacts from the public regarding complaints or potential complaints and provided advice. Of these:

- 26 were advised of the BHTA complaints process, but did not advance to a formal complaint (43%)
- 34 were advised of the BHTA complaints process, but did advance to a formal complaint (57%); of these:
 - 5 stopped communicating with BHTA
 - 2 were rejected by BHTA as out of scope of the code
 - 4 were not upheld
 - 19 were upheld
 - 3 are on going

One complaint was escalated via BHTA's formal mediation process and referred to BHTA's Independent Arbitrator and was upheld.

Any members who have complaints made against them are the subject of increased scrutiny.

Currently, BHTA's Complaints process provides ADR in two parts: BHTA's internal Complaints-handling process followed, if necessary, by Independent Arbitration provided by Lord Martin Thomas KC as an independent Arbitrator. As operated currently, this process is outside strict compliance with CTSI's revised Approved Code Scheme, where ADR must be provided an 'Approved ADR' provider. Though CTSI auditors have noted no problems or concerns with BHTA's ways of working, this means that BHTA must apply for ADR certification and become ADR-approved, or move its entire Complaints process to an approved, 3rd-party ADR provider.

After careful review, BHTA commits to becoming an approved ADR provider. The existing Complaints process can continue 'as-s' while BHTA completes the process of becoming an approved ADR provider. BHTA will aim to complete this process as quickly as operationally possible, and will provide an update on progress at their next ACS audit.

There are no BHTA members currently in the disciplinary process.

Customer Satisfaction and Customer Satisfaction and Feedback

Online access to BHTA's customer satisfaction survey form (CSSF) has been paused while the principle and practice of customer feedback is reviewed as part of the 'Code and Compliance Transformation' and approved by CTSI.

Members can request an electronic copy of the BHTA Customer Satisfaction Survey Form (CSSF) which can be downloaded from the Commit to the Code page on the BHTA website and emailed, posted or scanned and sent to BHTA.

Conclusions

BHTA continues to support and represent its members. BHTA arranges opportunities for its member sections (currently numbering 12) to meet three times per year, a mixture of in-person and virtual events. The meetings enable smaller and newer businesses to learn from larger businesses who share their experiences. In the meetings, the BHTA provides updates on topics requested by members and updates relating to the sector e.g., meetings with major stakeholders like MHRA, Amazon and the new NHS Central Commercial Function. The comprehensive Code and Compliance Transformation is ongoing but when completed will result in a strengthened code with benefits for both code members and consumers.