

Consultation Response

FINAL

TrustMark Consultation: Building stronger protection for home improvement customers

Prepared for: TrustMark

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Elmhurst Energy

16 St Johns Business Park, Lutterworth, Leicestershire, LE17 4HB

www.elmhurstenergy.co.uk



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

What is being proposed by TrustMark

- Building a direct relationship with every TrustMark Registered Business and individual, including Retrofit Assessors and Retrofit Coordinators
 - Becoming a single, easy point of contact for consumers when things need resolving
 - Strengthening the financial protection that covers work carried out under the TrustMark scheme
 - Opening up the TrustMark Data Warehouse, our secure system for recording work, to more of the work carried out under our scheme to drive improved consumer protection and build richer insights
 - Introducing changes to registration and lodgement fees
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TrustMark Proposal #1: Direct Relationship Model

TrustMark would hold a direct relationship with every registered business and registered individual, governed by a binding agreement. It would directly manage registration administration, including application checks, on-going due diligence checks and the collection of registration fees.

The key role of Scheme Providers would be confirming and validating the business competence/certification (a potential new revenue stream) and supplying the related data to TrustMark on an on-going basis, as a condition of a business's registration.

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

- Yes
- No
- Not Sure

If you answered no, please explain:

Yes, but as an independent accreditation scheme we would want to retain our relationship with our members as we would still expect to be providing them with software, technical support, auditing and many other benefits offered to scheme members. This is essential for Retrofit Assessors and Retrofit Coordinators.

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

- Yes
- **No**
- Not Sure

If you answered no, please explain:

No, as per our response to Question 1. We would still expect to be the first point of contact for our members to offer support and software to enable them to carry out their role as either Retrofit Assessor or Retrofit Coordinator.

Whilst validating the competency and certification of both new and existing members is clearly important, it is only a small part of what we offer to our members and would not expect this to change. We provide these members with a huge variety of software tools in order to undertake their roles, a good deal of which are Government approved! The controlled use of the tools to competent people is essential, so we are so much more than a competence check.

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)?

- Yes
- No
- Not Sure

If you answered no, please explain:

Yes, we would support this, however it should be noted that our members initially join on an individual basis and identification checks do form part of our onboarding process already. Personal credit checks are currently not part of this process for individuals. The need to be streamlined and avoid unnecessary duplications would be advisable.

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

- Yes
- No
- Not Sure

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

In our opinion this would seem sensible to enhance and support consumer protection. All our Retrofit members must have appropriate insurance to cover their role and this insurance should extend to cover any liabilities that are revealed at a later stage

TrustMark Proposal #2: Competence Framework

TrustMark would continue to work with the existing competence infrastructure including that for the skilled trades, PAS 2030 and MCS certification, and the schemes that validate Retrofit Assessors and Retrofit Coordinators.

As set out under the Direct Relationship Model, Scheme Providers would provide TrustMark with data about a business's competence/certification status on an on-going basis. This would be made as simple as possible, with use of automated systems where appropriate.

6. Do you support TrustMark's proposed approach to competence and certification validation?

- Yes
- No
- Not Sure

If you answered no, please explain:

We provide so much more than just competence and certification validation. We are not installer certification, there is a vast and clear distinction between Retrofit Assessors and Retrofit Coordinators and schemes that certify these individuals. These competent people need access to software and tools that are often Government approved. We must adhere to conventions and rules on the use of models and as such must have support and helplines to cover the use of the tool and the outputs. Many of the outputs can be used for other purpose e.g. energy reports and as such we must ensure insurance and complaints processes for this. It is very clear that TrustMark could not undertake what we do as schemes, and we do not believe this to be the intent. As the consultation lacks details here, we would need to make sure that the outcome works for the good of consumers using Retrofit Assessors and Retrofit Coordinators, and us, a scheme with TrustMark.

TrustMark Proposal #3: Extended Data Warehouse Lodgement Options

Lodgement of work requirements would be broadened to drive improved consumer protection by bringing more home improvements under the quality assurance framework.

This continues to include where lodgement is mandated for work delivered under government-backed schemes and we will also look to align lodgement with other regulated work areas. A risk-based approach to lodgement obligations is also under consideration.

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

We believe the scope of lodging projects should be extended to allow the submission of privately funded improvements and other associate work. There is no reason why this type of work should not be afforded the same level of protection and quality assurance as a government funded project.

We would also strongly support the provision to allow a Retrofit Assessment to be uploaded independently of a Retrofit Project. This is a missing gap in the current process. Each Home Counts was clear that consumers should be at the heart of this PAS2035 process. In order for this to be true the retrofit assessment should be able to be uploaded as an independent lodgement for consumers to then decide what the measures are that applicable to any home, the current situation that it starts with an install is why the process is not working for consumers.

We have long campaigned that the start of the process is the assessment, and the rest of the process identifies what is best for the occupiers/owners at that home follows.

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

- Yes
- No
- Not Sure

If you answered no, please explain:

Yes, we would support extending these requirements, but we would also suggest that TrustMark MUST allow lodgement of retrofit assessments and indeed Retrofit coordinators medium term plans in data warehouse, to enable good decisions.

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

- Yes
- No
- Not Sure

If you answered no, please explain:

Yes, this appears to be logical, but we would suggest this approach needs to be kept as simple as possible to interpret to ensure consistency.

It would seem appropriate where risk factors are increased based on installed measures that the cost of lodgment would increase to reflect a heightened risk and potentially increased auditing requirement.

TrustMark Proposal #4: Quality Assurance

TrustMark will continue to operate and build upon the established risk-based quality assurance framework, using job-level data from the Data Warehouse, AI-enabled analytics and targeted on-site audit to identify and address non-compliance. It will share relevant data with appropriate bodies to support consumer protection

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

- Yes
- No
- Not Sure

If you answered no, please explain:

Yes, we would support the use of targeted auditing and the use of all available data to support a risk based approach, however we must ensure that relevant data is shared to ensure any lessons can be learnt and passed onto to our wider membership.

We would also seek to confirm our role as scheme provider and therefore our requirements to complete audits on our members. It is to no one's advantage where any audits are not dovetailed. Using TrustMark and us as scheme provider. We have the expertise in our field and can help; what we can't have is technical experts arguing about whom is right. It is vital that any risk based auditing works for all parties and is not cumbersome, and unnecessarily complicated. This would need very clear and detailed analysis for Retrofit Assessors and Retrofit Coordinators to ensure that the outcomes can be effectively and efficiently assured.

TrustMark Proposal #5: A Managed Consumer Complaints Process

TrustMark would become the primary point of contact for consumers escalating complaints or pursuing dispute resolution in relation to work delivered under the scheme. This is a significant shift from the current model in which complaints are managed through Scheme Providers.

It is intended to streamline the process for consumers and businesses, and provide both parties with quicker, easier and more straightforward redress. TrustMark is also considering the right to appoint a third party to carry out remediation works which would be recharged to the original installing business if it fails to act.

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?

- Yes
- No
- Not Sure

If you answered no, please explain:

Yes, we are broadly supportive of consumers going to one body for compliant resolution, this will greatly simplify the journey for the consumer when things do go wrong.

However, we must ensure that schemes are involved and are able to support this process and where appropriate their members.

It should also be remembered that as an EPBR accreditation body we already have obligations to investigate and resolve complaints where an EPC has been created. Although this may form part of the lodged projects and be submitted to Data Warehouse, the responsibilities for complaint resolution ~~must~~ have to be shared as our license dictates..

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

As per our response to the previous question, we would support one central point of contact for the consumer and the process of raising a complaint to be as simple as possible.

We need to ensure flexibility to allow older or vulnerable consumers who are not I.T. literate to still feel able to raise complaints and feel supported throughout the process.

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?

- Yes
- No
- Not Sure

If you answered no, please explain:

Yes, we would be supportive of this position so long as there are genuine remediation costs incurred and not simply missing evidence or incomplete documentation.

TrustMark Proposal #6: Financial Protection

TrustMark would work to strengthen financial protection by aligning with the National Home Improvement Council (NHIC) Financial Protection Working Group's recommendations and would work to create a last-resort solidarity fund financed by a levy on scheme participants

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

- Yes
- No
- **Not Sure**

If you answered no, please explain:

There is currently insufficient detail to determine whether a solidarity fund is appropriate. Key aspects such as the size of the levy, who would pay, how contributions would be calculated and collected, and the overall financial impact assessment on scheme participants have not yet been defined. We would therefore be unable to either support or oppose the proposal until further detail is provided. If introduced, the fund must operate with clear governance and full public transparency.

We would also welcome further explanation of the problem the fund is intended to solve, as effective quality assurance, guarantees, insurance and scheme oversight should minimise the need for such a mechanism. There is a risk that a levy-based approach results in responsible businesses bearing the majority of the cost, effectively subsidising poor performing organisations that generate consumer detriment before being removed from the scheme. Any additional levy would also increase costs and consideration should therefore be given to whether strengthened compliance, earlier intervention and improved quality assurance processes could deliver greater consumer protection benefits more effectively.

TrustMark Proposal #7: Accountability Framework

TrustMark would create a clear framework which would enable businesses to demonstrate their skills, professionalism and quality of workmanship as a TrustMark registered business or individual.

The framework would also create a clear direct authority to impose sanctions, financial penalties, suspension and termination, where appropriate. This would be designed to maintain the standards and integrity of being TrustMark registered, creating clear blue water and competitive advantage between registered and non-registered firms.

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

- Yes
- No
- **Not Sure**

If you answered no, please explain:

We would need to understand what sanctions you are considering before we could offer a specific comment.

However, we would confirm that we have a framework in place with Retrofit

Assessors and Coordinators, within our schemes, and any proposed sanctions would have to work in conjunction with certification schemes existing processes, not instead of.

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

- Yes
- No
- Not Sure

If you answered no, please explain:

We are unable to offer a comment on this until we have more details about the proposed sanctions and how they would be implemented

TrustMark Proposal #8: Fees and Charges

Two options for a registration fee structure are currently under consideration. The first option is to maintain a flat fee structure, similar to the current structure. This would apply to all registered businesses, regardless of size.

A second option would be to set registration fees under a business-size banding model (sole trader through to large business, aligned to standard UK government definitions). Other options may also be considered. Separate lodgement fees aligned to work risk category are also being considered.

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

- Yes
- No
- Not Sure

If you answered no, please explain:

We are unable to offer an opinion until further details are available.

However, we would like to highlight the issues and challenges around accountability. We have seen a number of recent examples where we have only been able to sanction individual Retrofit Assessor or Retrofit Coordinator members following the identification of non-compliance, where clearly holding the wider organisation, they were contracted to may have been more appropriate

Transition

TrustMark recognises that the proposed changes, including the move to a direct relationship model, represent a significant change for Scheme Providers and those registered with the scheme.

A clear, managed transition is essential to maintain continuity of service for consumers and to give schemes and registrants sufficient time to prepare.

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 are unable to answer this at this stage, we would need to understand the detail following response from consultation.

We would like to note that any proposed changes need to be delivered in good time, the right way and not rushed.

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?

We would refer you to the answer to the previous question; however, schemes and other stakeholders must be informed of any proposed changes in advance so these can be communicated to their members in good time.

We would continue to expect that new and existing members would still always be engaging with schemes before they engage with TrustMark.

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Additional Comments

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

Elmhurst Energy supports TrustMark's ambition to strengthen consumer protection and improve confidence in the home improvement sector. However, the success of these reforms will depend on how they are implemented and whether they deliver meaningful improvements for consumers without creating unnecessary complexity or additional costs for industry.

Clear accountability across businesses and individuals

One area requiring further consideration is accountability between registered businesses and individual professionals. We have encountered situations where non-compliance has resulted in sanctions against individual Retrofit Assessors or Coordinators, despite wider organisational decisions or practices potentially contributing to the issue.

The revised framework must establish clear responsibilities for businesses and individuals, ensuring accountability reflects their respective roles, responsibilities and level of control. Individuals should not be held solely responsible for failures arising from decisions made elsewhere within an organisation.

A genuine consumer champion

As highlighted in our previous responses to government consultations, consumer protection must remain central to these reforms. Consumers need a trusted, independent point of contact that can provide advice, coordinate complaints and ensure issues are resolved fairly and efficiently.

We support the principle of a consumer champion that puts homeowners' interests first, simplifies the complaints process and ensures consumers are not left navigating multiple organisations when something goes wrong.

Importantly, consumer protection should start before any work takes place, through competent professionals, accurate assessments and the right improvements being installed in the right homes. This reflects the core Each Home Counts principle that every home should be treated individually, with solutions tailored to the specific needs of the property and its occupants.

Expertise should support resolution, not create disputes

Technical expertise is essential when investigating non-compliance and determining appropriate remediation. However, the system must avoid creating situations where one expert's findings are routinely challenged by another, resulting in prolonged technical disagreements.

Independent experts should work collaboratively towards evidence-based outcomes, rather than creating an adversarial process that delays remediation, increases costs and leaves consumers without resolution.

Proportionate reform without unnecessary bureaucracy

While stronger oversight is welcome, poorly implemented reforms risk introducing further administrative burdens, duplicated processes and additional costs for businesses and consumers.

The framework must be reasonable, proportionate and practical, recognising the different roles and capabilities of organisations operating within the sector. Existing accreditation, auditing and competence frameworks should be utilised wherever possible rather than duplicated.

Businesses must also be supported through the transition, with clear guidance, appropriate timescales and meaningful engagement to encourage participation and continuous improvement.

Prioritising retrofit before expanding further

Finally, while we recognise TrustMark's ambition to extend consumer protection across the wider home improvement sector, we would caution against expanding its scope too quickly.

Significant challenges remain within retrofit consumer protection, particularly around accountability, quality assurance and effective remediation. Expanding the framework across all home improvements before these issues are addressed risks diluting resources and diverting attention from existing priorities. We therefore encourage TrustMark to adopt a phased approach, prioritising effective consumer protection within retrofit before extending the framework more widely.

Ultimately, these reforms should deliver a simpler, more accountable system that protects consumers, supports responsible businesses and builds confidence across the industry.



Should you require any further clarification, please contact us at:

📞 01455 883 250

✉️ enquiries@elmhurstenergy.co.uk

📍 Elmhurst Energy, 16 St Johns Business Park, Lutterworth, Leicestershire, LE17 4HB

🌐 www.elmhurstenergy.co.uk

