



Services for Members

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Rental

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# Code of Conduct

for Leasing Broker Members

A mandatory code of conduct for Leasing Broker Members of the BVRLA

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## Member definitions

<b>Corporate Member</b>	A company that owns, operates or manages vehicles for the purpose of renting, leasing or fleet managing directly to customers.
<b>Leasing Broker Member</b>	A company acting as a leasing broker for the leasing of motor vehicles.
<b>Associate Member</b>	A company that supplies goods or services to a Corporate Member or a Leasing Broker Member.

# Foreword

**This code of conduct is mandatory upon all Leasing Broker Members of the BVRLA. It is neither a wish list nor a set of aspirations. It is a code by which our Leasing Broker Members conduct their business.**

Of course, no code can possibly cater for every situation or circumstance that can arise nor can it lay down detailed rules of behaviour to cover every occasion. What this code of conduct does is to set out the general principles by which our Leasing Broker Members must operate and establishes by inference, the standards of behaviour which are expected of them.

But it is more than a simple, written code. It is ultimately, the embodiment of what the BVRLA stands for – quality, integrity and value for money. BVRLA Leasing Broker Members are committed to these principles and will honour them by their actions.

The code serves to strongly reinforce the simple message of ‘use only a BVRLA Leasing Broker Member’ – for only then can customers be assured of proper standards of quality, service and value.



**Kevin McNally**  
Chairman

## Introduction

**The British Vehicle Rental and Leasing Association (BVRLA) was formed in 1967 to steer and shape the development of the vehicle rental, leasing and fleet management sector.**

The BVRLA is the representative trade body for companies engaged in short and long-term rental of passenger and commercial vehicles or acting as leasing brokers for Corporate Members.

While, primarily, the BVRLA has the triple function of regulating the industry, lobbying on its behalf and providing members with services, it has become the voice that campaigns on behalf of the business car user – and rightly so, for a majority of such drivers are employed by members’ customers.

The association works to promote and raise the standards of ethical trading and service by the adoption of this code of conduct covering, in particular, high standards of trading, honesty and quality of service. The association places considerable emphasis on ensuring that vehicles provided to customers are in a safe and roadworthy condition. It has the right to investigate a Leasing Broker Member’s business to ensure that the code is being followed.

Leasing Broker Members must quote their prices transparently and ensure that all terms and conditions relating to a transaction are clear and unambiguous.

Persistent or serious failure to comply with the code and its emphasis on high levels of service, quality and integrity, will render a member liable to expulsion from the association.

The association operates a complaint and conciliation procedure for all members and their customers.

Compliance with this code of conduct is a condition of membership of the British Vehicle Rental and Leasing Association for Leasing Broker Members.

Current members may be found through the Member Locator facility on the BVRLA website ([www.bvrla.co.uk](http://www.bvrla.co.uk)). A list of current members may be obtained by emailing a request to [info@bvrla.co.uk](mailto:info@bvrla.co.uk).

# Principles

## Code of conduct

This code establishes standards of good practice for the passenger and commercial vehicle rental and leasing industry. It is intended to ensure that customers who obtain rental or leasing facilities from BVRLA Leasing Broker Members have an absolute right to expect and receive the highest levels of service, honesty and integrity.

In the event of a complaint the association requires members to operate a customer complaint procedure which is aimed at ensuring that the complaint is handled promptly and efficiently. The BVRLA Conciliation Service is available to assist in settling any unresolved dispute.

## Right of inspection

The association reserves the right to inspect and investigate a prospective Leasing Broker Member's business in order for it to be considered for admittance as a Leasing Broker Member of the association. It also reserves the right to perform random inspections to ensure that this code of conduct is being fully adhered to and, in the event of serious or repeated failures, to terminate that Leasing Broker Membership.

## Signage, logos and display material

Customers wishing to use the services of a BVRLA Leasing Broker Member should be able to easily identify those companies committed to upholding this code of conduct.

Members should display the association's approved logo or material on their premises, company stationery and website where it is relevant to the type of operation. By doing so, customers will be able to identify easily those companies committed to upholding the code of conduct and which have been quality-checked.

*It is a criminal offence for a company to display the BVRLA logo or signage unless the company is a BVRLA member. The association takes such actions very seriously and will take all necessary steps against any person or organisation wrongfully claiming to be a BVRLA member.*

# Standard terms

**The BVRLA places customers' interests at the heart of this code of conduct. Customers should be entitled, when using the services supplied by a BVRLA Leasing Broker Member, to do so with a high degree of confidence.**

## BVRLA Leasing Broker Members' commitment to the customer:

Leasing Broker Members agree to give customers who use their services or products, the following pledge and commitment:

### Fair and responsible trading

All BVRLA Leasing Broker Members must:

- conduct their business lawfully and comply with all relevant laws and judicial decisions.
- trade fairly and responsibly in all their dealings with their customers.
- follow any guidance notes that the BVRLA issues, as and when appropriate.

- help customers when they need information and guidance relating to the use of their services or products.
- behave at all times with honesty and integrity and endeavour to ensure that all other persons with whom the member has a commercial relationship behave similarly.
- not knowingly or recklessly misrepresent facts to a customer concerning any aspect of a rental or lease transaction.

### Financial status

- provide evidence, on request, of the financial stability and reliability of their organisation.

# Specific terms

## **Ethical trading**

Customers using Leasing Broker Members should have an absolute right to expect and to receive the highest levels of service, honesty and integrity. Leasing Broker Members must conduct their business lawfully and comply with all relevant legislation and trade fairly and responsibly.

## **Quotation and pricing**

Leasing Broker Members must provide clear pricing and payment profiles (including number of advance payments/deposit and subsequent frequency of payments), contracted mileage, clearly stating whether the quote applies to corporate/consumer customers or both. Pricing must clearly state whether VAT is included and must ensure that this is identified on all quotations and other relevant correspondence.

Leasing Broker Members must adhere to the terms set out in the Consumer Credit Act and to any existing or future legislation relating to their service offerings. Leasing Broker Members should not knowingly provide a quotation for the supply of a vehicle which they know at the time of quoting they will not be able to arrange.

## **Vehicle description**

Leasing Broker Members must ensure that all vehicles sourced and offered to customers meet the manufacturer specification and standards that are current when the order is placed. Any variations must be clearly identified on all quotations and relevant correspondence with the customer. Order communication should clearly state actual lead-time as provided by the manufacturer/representative.

## **Misrepresentation or misleading statement**

Leasing Broker Members must not vary the terms of the funder's standard agreement without prior written agreement from the funders. Leasing Broker Members agree not to misrepresent any such terms nor to claim to be a leasing company.

## **Terms of business with customer**

Prior to acting on behalf of or representing the customer, all Leasing Broker Members must obtain the written consent, or mandate, from the customer. In addition, Leasing Broker Members must ensure that they provide their customers with clear terms of business. Leasing Broker Members must also ensure that this information is made available to the funder upon request.

## **Suitability of financial product**

Leasing Broker Members undertake to offer advice best suited to the customer's stated needs and requirements, and, where appropriate, only proceed with selling a product and/or service that reasonably meets those requirements.

## **Handling client monies**

Where a Leasing Broker Member chooses to accept client monies, a pro-forma invoice should be issued to the client, clearly stating the initial payment due and what it relates to. Client monies should be paid into a separate client account before being passed to the underwriting provider on delivery or as soon as possible thereafter.

## **Customer's right to cancel an order**

The terms and conditions of an order, including details of any cancellation fees, must be made clear to a client at the time of the order. The Leasing Broker Member must provide clear guidance on how the cancellation should be made and communicated, together with details of circumstances in which a customer may be liable for a cancellation charge. Leasing Broker Members must have clear cancellation guidelines for both their brokering services and finance agreements.

# Standard of service

Leasing Broker Members agree to observe the principles of this code of conduct aimed at protecting the interests of all customers by ensuring that the level of services provided is of the highest possible standard.

## Operation

Leasing Broker Members must operate from an established commercial place of business and comply in full with all local regulations.

The premises and facilities in which the Leasing Broker Member deals with customers must provide a professional, disciplined and well regulated appearance.

## Training

Staff must be adequately trained to a standard at least as high as that provided by the BVRLA's accredited training programmes.

Leasing Broker Members must provide induction training for all staff during the first 12 months of their employment.

Leasing Broker Members must monitor the training requirements of their workforce and prepare individuals for management/supervisory roles as appropriate and continually monitor the quality of their training provision, as well as keeping records of all training activity carried out in their organisations, and produce them on demand.

For the BVRLA's accredited training programme standards visit:  
[www.bvrla.co.uk/members/services/training.cfm](http://www.bvrla.co.uk/members/services/training.cfm)

## Advertising

Advertising, literature and internet marketing must not contain any misleading or inaccurate statements. Leasing Broker Members must use their best endeavours to avoid such misleading statements and comply with the codes and standards set by the Advertising Standards Authority (which covers non-broadcast media), the Independent Television Commission and the Radio Authority which deal with honest and truthful advertising. Members must also ensure that they adhere responsibly with all relevant legislative requirements.

## Staff access

Leasing Broker Members must ensure that a copy of this code of conduct is distributed to all their operating locations and that all operational staff have a proper understanding of the code.

## Customer access

Leasing Broker Members agree to provide copies of this code to customers as and when requested.

## After-sales

Leasing Broker Members must ensure they deal with all after-sales issues professionally. This includes, for example, the ability to deal promptly with requests for early termination, contract rescheduling (where available), and all other aspects of after-sales care, including complaints and queries.

# Complaint handling

**Leasing Broker Members must ensure they have a written customer complaints procedure.**

Leasing Broker Members must always strive to deliver a high level of service and ensure that their customers never have cause to complain. The few occasions that result in a complaint should be resolved quickly and amicably.

Complaints should not be seen negatively but as a way to learn from mistakes and improve customer service. All staff should be aware of the company's complaint-handling procedures and staff dealing with complaints should respond swiftly, with resolution as the prime objective. Particular attention should be paid to ensure that staff:

- ❑ advise customers of the complaints procedure, how to use it and what additional options are available to them
- ❑ treat complaints seriously and deal with them in a positive and friendly manner
- ❑ issue a response to a complaint within five working days of receipt, with the objective of resolving the dispute within 15 working days
- ❑ give each complaint a full and considered response
- ❑ learn from the complaint and implement any changes needed to prevent the incident that gave rise to the complaint from happening again.

Leasing Broker Members must maintain a complete record of complaints and use this information to help them improve customer service.

A small number of complaints may remain unresolved, quite often due to misunderstandings or a breakdown in communication. A BVRLA Conciliation Service therefore exists to help resolve disputes that cannot be settled by the parties themselves (see page 8).

BVRLA Leasing Broker customers have the right under Consumer Credit Act (CCA) rules to refer any unresolved dispute to the Financial Ombudsman Service. The Financial Ombudsman Service will not consider any complaint until the business concerned has had an opportunity to resolve it.

Leasing Broker Members can use the BVRLA's Conciliation Service to help form part of their CCA complaint handling procedures. The BVRLA recommends that the Conciliation Service be invoked in writing within four weeks of the date the Leasing Broker Member issued its final response to the complainant. If the complainant remains dissatisfied, they can refer the matter to the Financial Ombudsman Service within six months of the date of final response by the BVRLA.

# Conciliation Service

**Unresolved disputes may be referred to the Association by the customer and/or the Leasing Broker Member involved.**

The BVRLA's legal services team offers an informal conciliation procedure to resolve disputes between Leasing Broker Members and their customers.

Leasing Broker Members or their customers who wish to initiate a BVRLA conciliation procedure should submit written details of their dispute to:

Chief Executive  
British Vehicle Rental and Leasing Association  
River Lodge  
Badminton Court  
Amersham  
HP7 ODD

If either party is dissatisfied with the outcome of the informal procedure, a formal conciliation procedure can then be invoked.

All relevant details will be promptly forwarded by the BVRLA's legal services team to the Arbitration Panel, a body whose members are appointed by the Committee of Management of the BVRLA.

## **Arbitration Panel**

Disputes referred to an Arbitration Panel shall be actioned and the decision notified to the customer by the association within 30 working days from the referral of the dispute to the Arbitration Panel.

## **What is covered by the Conciliation Service?**

Conciliation procedures shall apply solely to matters arising out of the vehicle rental and leasing activities of Corporate Members or Leasing Broker Members. Associate Members, who are suppliers of services to the rental and leasing industry, but who do not operate their own rental or leasing operations, are not subject to the code.

## **No restriction of rights**

Nothing in this code restricts, nor is intended to restrict, the rights of a complainant or a Leasing Broker Member to pursue remedies through the courts.

## **Monitoring and compliance**

The BVRLA's continual monitoring and internal procedures are aimed at ensuring that Leasing Broker Members meet and comply with this code. It is a condition of membership that Leasing Broker Members comply with this code.