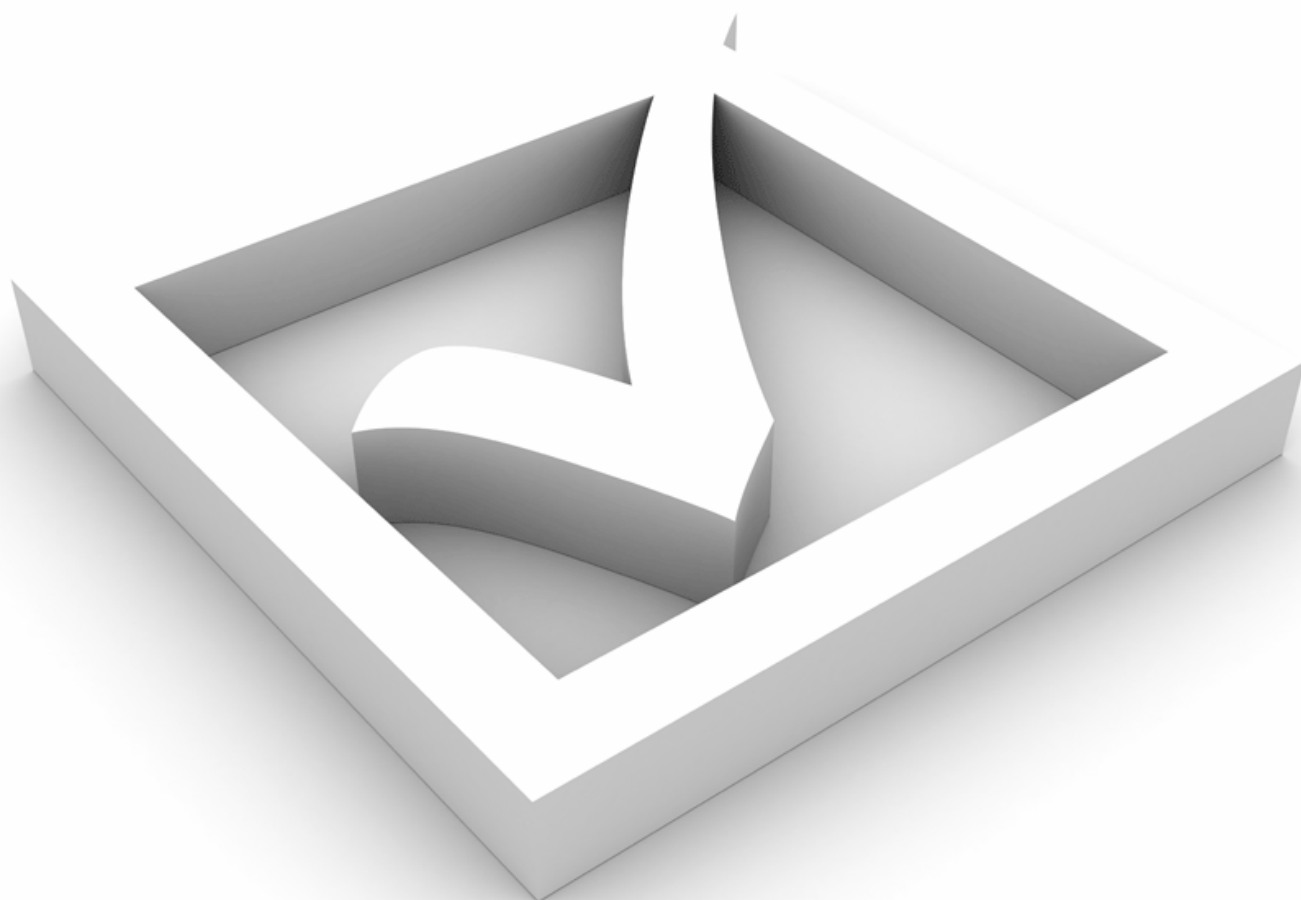


# Information Fair Trader Scheme Report

Companies House

March 2009



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## PART ONE: INTRODUCTION

### **Information Fair Trader Scheme**

1. The Information Fair Trader Scheme (IFTS) is the best practice model for public sector bodies wishing to demonstrate compliance with the Re-use of Public Sector Information Regulations 2005. IFTS ensures that re-users of public sector information can be confident that they will be treated reasonably and fairly by public sector information providers.
2. IFTS is also the mechanism by which the Controller of Her Majesty's Stationery Office (HMSO) regulates those Crown bodies with a delegation to administer their own licensing and Crown copyright management. All such bodies with a delegation must be accredited to the Scheme. Companies House has such a delegation.
3. To be accredited to IFTS, an organisation will:
  - make a commitment to the IFTS principles;
  - see the commitment successfully independently verified; and
  - investigate complaints that the commitment has not been met.
4. Once a Chief Executive has declared their commitment, the underlying administrative and decision-making processes of the organisation are examined to confirm that what is happening on a day-to-day basis is in accord with the commitment.
5. This report shows the findings and conclusions of OPSI's IFTS verification of Companies House.

### **The Business of Companies House**

6. Companies House became an Executive Agency of the Department for Business Enterprise and Reform (BERR) in 1988 and was granted Trading Fund status in 1991. Company registration in England and Wales is governed by the Companies Act 1985 and the updating legislation in Companies Act 1989.
7. The main functions of Companies House, as the Registry for Companies in England and Wales are to:
  - incorporate and dissolve limited companies;
  - examine and store company information delivered under the Companies Act and related legislation; and
  - make this information available to the public.
8. Companies House has registered more than 2 million limited companies, and more than 300,000 new companies are incorporated each year.

9. Companies House has been going through a major period of change due to the implementation of the Companies Act 2006. A new technical infrastructure has been embedded to make way for the wide ranging changes to service delivery the new Act will bring. From 1 October 2009 the Companies Act will apply to the whole of the UK, and there will be a single UK Register of Companies, instead of a separate Northern Ireland Registry.
10. As a Trading Fund, Companies House operates with a cost recovery business model. It has a statutory duty to recover costs in full after allowing for an annual capital return, currently set at 3.5%, taking one year with another.

### **Crown copyright management at Companies House**

11. The majority of information on the Register of Companies is owned by the author of the documents. Information presented and displayed in the register is therefore third party copyright. This information is provided and made available under the statutory obligations of the Companies Act. Under section 47 of the Copyright, Designs and Patents Act 1988, Companies House imposes no rules or requirements on how the information is used, but informs customers that the information may be copyright protected by the third parties who provided it on behalf of their company or client.
12. Crown database rights subsist in the registry created by Companies House, as well as Crown copyright in the layout and designs of the forms on which the data for the registry is captured.
13. Companies House issues standard terms and conditions for application of a credit account to search the company registry.
14. Companies House provides Software Filing and Web Filing through the website to enable customers to submit documents electronically. Companies House also provides a range of products and services for customers to access and search the register, these are Companies House Direct, WebCheck, Extranet and XML gateway products. A call centre is also provided to assist customers with queries on filing, searching and accessing Companies House data, as well as a number of information centres.
15. The main customers for either inputting information onto the register or searching are:
  - Accountancy firms
  - Company formation agencies
  - The general public
  - Company directors/secretaries
  - Legal profession
  - Government departments

- Software providers
- Bulk search customers

16. For the purpose of Crown copyright and third party copyright management, the verification team focussed on Bulk customers who search the database.

### **Overall Assessment**

17. This assessment differed somewhat from the standard verification, in that the focus was on use and re-use of third party copyright held by Companies House. In this respect, the team found high levels of compliance with the principles of IFTS in all aspects of Companies House Information Trading and business objectives.

18. Companies House were one of the six businesses reviewed as part of the recent Trading Fund Assessment, which considered how a number of Government businesses could open up the information they create or hold as a result of carrying out their core public duties. Availability of the information produced by these Trading Funds generates opportunities for innovation, added-value and growth in both the wider economy and society. The Assessment identified key principles of good practice relating to information produced by all Trading Funds.

19. The principles identified by the Assessment are:

- Information easily available - where possible at low or marginal cost;
- Clear and transparent pricing structures for the information, with different parts of the business accounted for separately;
- Simple and transparent licences to facilitate the re-use of information for purposes other than that for which it was originally created; and
- Clearly and independently defined – with input from customers and stakeholders – core purposes (“public tasks”) of the organisations.

OPSI will provide enhanced oversight and governance to ensure application of these principles across Companies House and other Trading Funds that create significant amounts of information.

20. Based on the team's assessment, Companies House has been accredited to IFTS and should be re-verified in 2-3 years.

## PART TWO: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

### Methodology

21. The underlying purpose of the verification was to establish whether the key principles of openness, transparency, fairness, compliance and challenge were achieved. Different types of activity, where one might expect to see these key outcomes achieved, were examined. This approach was based on a matrix model, as shown below, which takes each of the outcomes, and shows how work in each of the areas of activity demonstrates compliance.
22. The organisation is divided into a number of key business areas. Each of the areas is divided as necessary into areas of verification focus. The key business areas, and the areas of verification focus, fall under the following headings:

<b><i>Business Area</i></b>	<b><i>Verification Focus</i></b>
Service Offering	Understanding of licensing/selling information Pricing Terms and Conditions
Access	Access to and re-use of government information Websites and equivalents
Internal Processes	Staff responsibilities and delegations Exceptions handling Costs and Cost allocation Complaints handling
Standards	Service standards
Strategic Management	Business objectives and performance indicators Management supervision of compliance
Relationship with OPSI	Commitment to IFTS
External Constraints	Competition Act 1998 Financial targets Legislation

23. When considering the findings of the verification, a view is formed as to whether the organisation is sufficiently meeting the desired outcomes of fairness, openness, transparency, compliance and challenge. The verification also takes into account whether the organisation was demonstrating a genuine commitment to strengthening the Chief

Executive's commitment and making substantial progress towards that goal.

### **Activities Undertaken**

24. The verification team:

- examined key policy and practice documentation;
- interviewed staff members within the organisation;
- reviewed licensing/ customer files;
- reviewed the website;
- reviewed standard licences/ terms and conditions; and
- reviewed the complaints process.

These activities are described in more detail below.

### **Documentation review**

25. The organisation provided documentation in support of the Chief Executive's commitment which was reviewed by the team prior to the onsite verification.

### **People and Practices**

26. In order to see how people in the organisation work and how their work is impacted by the Information Fair Trader commitment, the team interviewed a range of staff at all levels who are involved in the policy or practice of providing information.

### **Customer File Review**

27. A sample review of customer files, covering both government and commercial re-users was carried out.

### **Website review**

28. A review of the Companies House website was made from the viewpoint of a potential re-user of information to assess how easy it was to use.

### **Terms and conditions/ Licence review**

29. The terms and conditions of a selection of standard contracts were reviewed.

### **Complaints process**

30. The Companies House customer complaints process was examined by the team. Consideration of an organisation's complaints process, both policy and practice, indicates how committed an organisation is to meeting customer needs.

### **Assistance provided by Companies House**

31. The team appreciates the co-operation and assistance of Companies House staff. Interviewees showed a high level of awareness of the principles of IFTS and a comprehensive set of documents was provided to us in advance of our visit. Once on site, any supplementary documents that were requested were provided promptly.

## PART THREE: HIGHLIGHTS AND AREAS FOR IMPROVEMENT

### Openness

- 32. Companies House meets the principle of openness with several examples of good practice. Companies House receives one recommendation for Openness**

The vast majority of information presented to Companies House in the registry is available for use and re-use by the public. Companies House has a clear access agenda which is given the highest priority across the organisation. The verification team found evidence of this from the strategic business plan to the front line day-to-day operations.

- 33. There are no major exceptions to use or re-use of the information Companies House holds. The principle of openness is embedded in Companies House business objectives and this is highly commended.**

**It is recommended that Companies House publishes any exceptions for use or re-use of the data it holds on its website to further increase good practice.**

- 34. Companies House is continuing technological development across the organisation on how best to deliver its information so that its customers can maximise the potential of this information. For example, bulk customers can access data in a daily feed, meaning the data is available as soon as possible for use and re-use. Customers can also access the information in XML code allowing greater versatility in application. 99% of searchable information is available through XML.**

- 35. Companies House regularly hosts customer focus groups to gain customer insight and feedback on the new I.T system it has implemented and its working practices. This is a key example that customer input and providing a customer-centric service is fundamental to Companies House.**

- 36. As well as the focus groups, Companies House also runs roadshows and events such as training and seminars to help their customers with the new changes being brought in by the new Companies Act. Companies House values the views of its customers and offers a wide range of support for using its information.**

### Fairness

- 37. Companies House is commended for its good practice in the approach to the principle of fairness receiving no recommendations. Applicants for the same type of information for the same purpose are treated fairly.**

38. Companies House undertakes sophisticated stakeholder engagement and analysis to understand its customers and their needs. This is achieved through a variety of methods and emphasises Companies House's approach to its customers and the market - that being one of open, fair access. Companies House does not compete in the market with its customers and allows the market to thrive without constraint.
39. The verification team found several examples of fairness in the customer file review, where the same type of customer is treated the same, and different groups of customers do not have any unfair advantage over other user groups. For example, there is no preference offered to other government bodies who access the same data in the same way as all other customers. There is also a level playing field for internal access and re-use of data, the same information is used in the same way internally as externally.
40. Customers have a direct relationship with a Customer Care Manager, who is on hand to assist with day-to-day queries and offer support with any new I.T operations. This also ensures all customers have as much assistance as necessary to maximise the information they use or re-use.
41. This also means that all bulk customers have a direct point of contact to rectify any issues that may arise as quickly as possible. The Customer Care team is acutely aware of ensuring fairness with the customers they support, underpinned by good communication links. There are also good links to other teams in Companies House meaning that most enquiries are resolved within 48 hrs and customers are kept well informed on progress of more complex issues.

## **Transparency**

42. Companies House meets the principle of Transparency with several examples of good practice, receiving one recommendation.
43. Companies House has a great deal of well-written information on its website and documentation that supports the use and re-use process. This is generally easy to understand and find. All pricing and product information is available as well as customer guidance.
44. Companies House has strong communication links within the organisation and across teams, aiding the transparency of the customer experience. The call centre has good access to the relevant teams for dealing with telephone and email enquiries, leading to quick handling and high customer satisfaction. This is commendable, especially due to the high volumes of information, calls and emails Companies House processes on a daily basis. Companies House is commended for its efficient working customer-focussed practices in Information Trading.

45. Companies House is taking all steps possible to make submitting data to the registry as simple and straightforward as possible for its customers. It is now possible for 80% of all information to be filed electronically, while other methods of filing are still available for customer preference. Companies House strives to make submitting and using information from its registry as simple as possible and continues to develop new ways of doing this.
46. With the introduction of the new Companies House I.T infrastructure, there have been some initial technical glitches leading to some internal information management issues. These were rectified as the system bedded in and staff became familiarised with new practices, however, **it is recommended that Companies House takes steps to ensure its internal file management continues to meet high standards of transparency, especially for bulk customer files.**

## Compliance

47. Companies House complies with the principles of IFTS to a high level as the assessment team found during verification and in documentation review, making one recommendation.
48. The staff interviewed at Companies House demonstrated a high level of understanding of the principles of IFTS, which are directly aligned with Companies House's organisational vision. This is highly commendable and is encouraged in future practice.
49. The contract review analysed the standard templates used by Companies House and the points made appear at appendix two. **It is recommended Companies House considers the observations made in the contract review when the text of the standard terms and conditions is next updated.**
50. The process for accessing and using Companies House information is straight forward and timely. Companies House also provides its customers with extensive advice and assistance in using its services, both through email and telephone advice. There is good management of customer expectations and keeping customers informed.
51. As a new member to the scheme, Companies House is commended for the work done to its website to meet the compliance principle of IFTS. The pages outlining Companies House IFTS responsibilities are comprehensive and easy to understand.
52. The team reviewed a number of files and found a high standard of compliance with IFTS principles. The team looked at a sample of files from the bulk search customers making a recommendation under the principle of Transparency.

53. Companies House is also commended for the high level of communication it has maintained with OPSI throughout the verification process on meeting its IFTS responsibilities.

## **Challenge**

54. Companies House exceeds the principle of challenge with several examples of best practice in its approach to customer feedback and receives one recommendation for Challenge.

55. Companies House greatly encourages customer feedback and has several methods of sophisticated analysis of the feedback. Customer feedback is captured at a variety of levels, from general enquiries, mystery shoppers to formal complaints. Quarterly reports identifying trends in customer experience are disseminated across the organisation. This feeds into the refinement of processes and policies, highlighting the priority Companies House places on customer input.

56. Companies House is focussed on providing a customer-friendly, customer-centric service. This is reflected in the high level of customer satisfaction reported in all its customer groups.

57. As a new member to IFTS, **it is recommended that Companies House publishes on the website the additional external OPSI complaint route now open to its customers.**

## APPENDIX ONE: SUMMARY OF RECOMMENDED ACTIONS

This is a summary of the recommended actions to:

- remedy the weaknesses identified; and,
- strengthen the commitment to Information Fair Trading.

Principle	Ref	Recommendation	Priority
Openness	33	Companies House publishes any exceptions for use or re-use of the data it holds on its website to further increase good practice.	H
Transparency	46	Companies House takes steps to ensure its internal file management continues to meet high standards of transparency, especially for bulk customer files.	H
compliance	49	Companies House considers the observations made in the contract review when the text of the standard terms and conditions is next updated.	M
Challenge	57	Companies House publishes on the website the additional external OPSI complaint route now open to its customers.	H

## APPENDIX TWO: REVIEW OF TERMS AND CONDITIONS

### **Review of Companies House Direct sales Agreement**

Review date: 03/04/09

#### **Evaluation Criteria**

##### **1. Clarity of licence terms**

*Check for clarity of language, jargon, legalistic language, plain English*

While the majority of the language is easily readable in plain English there is some unnecessary legal phrasing, such as 'forthwith' rather than 'immediately' for example (Clause 12), which could be replaced to aid customers who are not familiar with legal terms.

The definitions in clause 1 are particularly hard to retrieve information from as the definitions are all in one unbroken paragraph, however there is little use of jargon.

The font size did hinder readability and overall the terms and conditions could be improved by using the layout of the other two contracts (XML Gateway and Electronic filing) which were less compressed.

##### **2. Comprehensiveness of licence terms**

*Are there any significant omissions? Does the licence contain terms that you would not expect to find in a licence?*

There were no omissions or unusual terms in the contract, however the sequence of the clauses in the other contracts (XML gateway and Electronic filing) reads more logically and is therefore easier to understand. For example clause 4 on 'duration' also includes the clause on 'variation of terms and conditions' which appears separately in the Electronic Filing contract.

Again the comprehension of the terms and conditions could be improved by using the layout and font of the other contracts (XML Gateway and Electronic filing). The terms and conditions of this contract are also slightly longer than the other two.

### **3. Fairness**

*Does the licence contain terms that are unfair or unnecessarily discriminates between different user groups?*

The terms and conditions are fair and there is no evidence of discrimination or onerous terms.

### **.4. Consistency**

*Does the licence contain any terms which are inconsistent and contradictory?*

There is no inconsistency in the contract. The same clauses are expressed with the same meaning in all three contracts reviewed. However there is less legalese in the other two contracts (XML gateway and Electronic Filing) making them more accessible to all users.

### **5. Practical Arrangements**

*Is it clear what the process is for making payments, amending terms for example?*

The clauses dealing with practical arrangements are clear and easy to understand. The termination clause, as mentioned above would be improved by using plain English rather than legalese.

### **6. Restrictiveness of terms**

*Are any of the terms unnecessarily restrictive?*

The contract is not restrictive, it is clear and transparent and not biased towards Companies House in any way.

### **7. Additional Comments**

This contract is fit for its purpose and a good example of the principles of IFTS. Some minor cosmetic changes would make it an even better example of IFTS good practice.

## **Review of Companies House Electronic Filing Services Credit Account**

Review date: 03/04/09

### **Evaluation Criteria**

#### **1. Clarity of licence terms**

*Check for clarity of language, jargon, legalistic language, plain English*

The terms and conditions are in Plain English and with little jargon or legalistic language. The clauses are also grouped together in a logical order aiding understanding. The spacing of clauses also aids readability, such as in the definition clause.

#### **2. Comprehensiveness of licence terms**

*Are there any significant omissions? Does the licence contain terms that you would not expect to find in a licence?*

There are no omissions or unusual terms in the contract and it is not overly long.

#### **3. Fairness**

*Does the licence contain terms that are unfair or unnecessarily discriminate between different user groups?*

The terms and conditions are fair and there is no evidence of discrimination or onerous terms.

#### **4. Consistency**

*Does the licence contain any terms which are inconsistent and contradictory?*

There is no inconsistency in the contract. The same clauses are expressed with the same meaning in all three contracts. This contract, unlike the other two (Companies House Direct and XML Gateway), does not have a clause on 'governing law' which could be considered.

## **5. Practical Arrangements**

*Is it clear what the process is for making payments, amending terms for example?*

The clauses outlining the practice matters are clear and unambiguous.

## **6. Restrictiveness of terms**

*Are any of the terms unnecessarily restrictive?*

The contract is not restrictive, it is clear and transparent and not biased towards Companies House in any way.

## **7. Additional Comments**

This contract is fit for its purpose and a good example of the principles of IFTS.

## **Review of Companies House XML Gateway Sales Agreement**

Review date: 03/04/09

### **Evaluation Criteria**

#### **1. Clarity of licence terms**

*Check for clarity of language, jargon, legalistic language, plain English*

The terms and conditions are in Plain English and with little jargon or legalistic language. The definition clause would benefit from the layout used on the Electronic filing contract to increase readability.

#### **2. Comprehensiveness of licence terms**

*Are there any significant omissions? Does the licence contain terms that you would not expect to find in a licence?*

There are no omissions or unusual terms in the contract. This contract also includes a schedule to outline additional information, which refers back to clauses in the terms and conditions and is easy to follow.

#### **3. Fairness**

*Does the licence contain terms that are unfair or unnecessarily discriminates between different user groups?*

The terms and conditions are fair and there is no evidence of discrimination or onerous terms.

#### **4. Consistency**

*Does the licence contain any terms which are inconsistent and contradictory?*

There is no inconsistency in the contract. The same clauses are expressed with the same meaning in all three contracts

#### **5. Practical Arrangements**

*Is it clear what the process is for making payments, amending terms for example?*

The clauses outlining the practice matters are clear and unambiguous.

## **6. Restrictiveness of terms**

*Are any of the terms unnecessarily restrictive?*

The contract is not restrictive, it is clear and transparent and not biased towards Companies House in any way.

## **7. Additional Comments**

This contract is fit for its purpose and a good example of the principles of IFTS. This contract also includes an explicit reference to the use/re-use of the information supplied in clause 4 which is encouraged as IFTS practice.

Also this contract is not available directly on the website - potential customers request it via email through the XML Product Manager. This is to assist the potential customer with their application and to offer advice at an early stage in their application. This is a proactive approach to helping the customer with the application process and good practice.

## APPENDIX THREE: WEBSITE REVIEW

**Organisation:** Companies House  
**Site available at:** [www.companieshouse.gov.uk](http://www.companieshouse.gov.uk)  
**Date assessed:** 25 March 2009

- 1.1 Does the website have an Information Asset Register? **Yes**  
Labelled as a publication scheme, located at  
<http://www.companieshouse.gov.uk/freedomInformation/publicationScheme.shtml>
- 1.2 If yes, how many clicks is it from the homepage? **2**
- 1.3 How long did it take to find? **1-2 minutes**
- 1.4 If there is no IAR, is there other guidance on what information is available? **N/A**
  
- 2.1 Does the PSB use standard licences? **Yes** Standard Terms and conditions for purchasing registry information.
- 2.2 Are these published in full on the website? **Yes**  
<http://www.companieshouse.gov.uk/toolsToHelp/pdf/creditAccApplic.pdf>
- 2.3 If yes, how many clicks are they from the homepage? **4**
- 2.4 How long does it take to find? **1-2 minutes**
- 2.5 How many standard licences are there? **3**
- 2.6 Is there an explanation of what different licences are for and is it clearly understood? **Yes**, *they are found on the specific pages detailing the service they are for i.e. - Companies House Direct. Customers request the XML Gateway contract through an email.*
  
- 3.1 Is there any charge made for licences? **Yes**
- 3.2 Is there an explanation of the charges? **Yes**, including FAQs
- 3.3 Is there an explanation of how charges are drawn up? **Yes**
  
- 4.1 Is there an IFTS commitment on the website? **Yes**
- 4.2 How many clicks is it from the homepage? **0**, it is on the notice board on the home page
- 4.3 How long does it take to find? **<1 minute**
  
- 5.1 Is there clear and precise information on how to apply for a re-use licence? **Yes**
- 5.2 Are there a variety of methods for applying for licences? **No**
- 5.3 Is it possible to apply online for a licence? **Yes**
- 5.4 Does it specify a timescale to grant licences? **No**
- 5.5 If yes, what is that timescale (in working days)? **N/A**
  
- 6.1 Does the PSB have a procedure for complaints regarding licensing decisions? **Yes**, although the information on  
[http://www.companieshouse.gov.uk/about/tellUs\\_complaints.shtml](http://www.companieshouse.gov.uk/about/tellUs_complaints.shtml) does not address re-use directly
- 6.2 How many clicks is it from the homepage? **2**

- 6.3 How long does it take to find? **<1 minute**
- 6.4 Does it mention that if the complainant is unhappy they can refer to OPSI or APPSI? **No**; *OPSI mentioned on site, but not as an external adjudicator on complaints*
- 7.1 Does the website explain what information is not available? **No**
- 7.2 If Yes, does it explain why? **N/A**
- 7.3 How many items are listed? **N/A**
- 8.1 Does the website outline any exceptions to normal licensing policy? **No**
- 8.2 If Yes, does it explain why that exception has been made? **N/A**
- 8.3 How many exceptions are there? **1**
- 9.1 Does the website have a Crown Copyright notice? **Yes**, *although dated 2003*  
<http://www.companieshouse.gov.uk/crown.shtml>
- 9.2 Is it linked to from every page? **Yes**
- 9.3 How many clicks is it from the homepage? **0**
- 9.4 How long does it take to find? **<1 minute**
- 9.5 Is OPSI/HMSO mentioned, with contact details? **Yes**
- 10.1 Does the website have an electronic search facility? **Yes**
- 10.2 If yes, how many clicks is it from the homepage? **0**
- 10.3 How long did it take to find? **<1 minute**  
*Search facility available on all pages as an easily usable open box for users to type keywords.*
- 11.1 Is the material available by electronic means? **Yes**
- 11.2 Is it possible to download direct from the website? **Yes**, *hyperlinks contained in publication scheme*
- 11.3 If data is not available electronically, is there an explanation of how to obtain it? **Yes**
- 11.4 If data is sent via email, is there a specified timescale for delivery? **N/A**
- 11.5 If yes, what is the timescale (In working days)? **N/A**
- 12.1 Does the PSB outline its responsibilities under IFTS on their website? **Yes**
- 12.2 Does the website explain what IFTS is aiming to achieve? **Yes**
- 12.3 Are the benefits of IFTS explained? **Yes**
- 12.4 Is the PSB using IFTS logos on their website and actively mentioning they are a member of the scheme? **N/A**
- 13.1 Does the PSB outline its policy towards its trading of PSI? **No**
- 13.2 Does the PSB explain how it arrives at decisions? **No**
- 13.3 Does the website have an explanation of what re-use is? **Yes**
- 13.4 Does the website explain what Crown Copyright is? **Yes**
- 13.5 Does the website explain why licences are sometimes needed to re-use information? **N/A**

- 13.6 Does the website explain the difference between FOI and re-use? **No**, although very strong on FOI
- 13.7 Does the website explain what a Trading Fund and delegated authority is? **Yes**

*The Companies House website has a commendable publication scheme, quick search facility and clear guidance on Crown copyright. This is a clear, user-friendly site. The page on IFTS is comprehensive and has good links to the OPSI website. This is an example of IFTS good practice.*