



Consumer advice – where to get it (November 2005)

Ref IS/11

This information sheet is aimed at people over 60 and refers to the situation in England. Those living in Scotland, Wales or Northern Ireland may wish to contact:

Age Concern Scotland, Causewayside House, 160 Causewayside, Edinburgh EH9 1PR, tel: 0845 125 9732 (local call rate), website: www.ageconcernscotland.org.uk;

Age Concern Cymru, Units 13 & 14 Neptune Court, Vanguard Way, Cardiff CF24 5PJ, tel: 029 2043 1555 (national call rate); website: www.accymru.org.uk;

Age Concern Northern Ireland, 3 Lower Crescent, Belfast BT7 1NR, tel: 028 9032 5055 (national call rate) Monday to Friday 9.30am - 1pm.

If you have a problem with something you bought or paid for, there are certain laws that can help you to sort it out. Many companies and traders will deal with a complaint efficiently and do their best to resolve it. But if you are getting nowhere with your complaint, you may want to take advice from one of the organisations listed in this sheet. Your chances of getting your complaint resolved successfully are much better if you know your rights.

Basic steps to avoid problems with goods and services

- get a receipt and keep it safe;
- check prices;

- check small print;
- do not sign anything unless you are sure you understand the document;
- shop around to compare the prices and standard of services;
- make sure you know who are you dealing with and have their contact details;
- use members of trade associations – this will give you an option of another route to complain;
- use a credit card for items over £100, this give you another means of redress with the credit card company.

How to complain

Act quickly. Report the fault to the seller or service provider as soon as possible and confirm it in writing. Contact Citizens Advice Bureaux or Trading Standards for help with writing a letter of complaint.

There are examples and templates of letters of complaint on the Trading Standards and Consumer Direct website (see below), or ask at your local Trading Standards – they may have ‘standard form letter’ to help you compose your complaint to the trader.

Depending on the circumstances of your purchase (for example shop, distant sale, privately), the type of goods you bought, the reason why you are not happy with them and how long ago you bought them, you may have the right to return the goods and have your money back, have them replaced, repaired, partially refunded, get compensation or to cancel the contract you have made when you bought the goods. The following points will help to make an effective complaint:

- make sure you know your rights; contact one of the organisations listed below for advice;
- prepare your case well, be clear how you want the problem to be sorted out (for example money back, a repair, the service done again, have the job finished properly); be reasonable and consider accepting a compromise as long as it is fair;
- don’t accept an offer you are not happy with; once you have accepted an offer you cannot ask for more later, for example you lose your right to a refund if you accept a credit note;
- complain to somebody in authority like a manager, supervisor or director; the receptionist will not be able to resolve the problem;

- try to remain calm and objective – if you are angry it may prevent you from explaining clearly, and may make people less interested in helping to resolve the complaint;
- do not give up and accept excuses; check with advice agency if they are right;
- keep a record of your actions such as dates, who you spoke to and what was said and follow it up in writing; keep copies of your correspondence;
- support your complaint with evidence such as receipts, estimates, contracts, bills, technical experts, statements from witnesses;
- If you believe that an offence has been committed (for example the goods are unsafe) contact your local Trading Standard Office (see below) before going back to the shop as they may want to see the item.

If your complaint is not resolved to your satisfaction get advice about taking it to a conciliation or arbitration service, or to an ombudsman or to court.

Conciliation and Arbitration

Some companies belong to trade associations that offer a conciliation and arbitration service. These are the processes where an independent third party is appointed to look into a dispute and to find a solution to which both you and the service provider can agree on.

Conciliation is usually free and not legally binding which means you still can take the matter to the court if it was not resolved to your satisfaction. Arbitration usually has to be paid for and is legally binding. This means that once you have agreed to arbitration you cannot take legal action. Contact the relevant trade association for details.

Alternatively you can contact the Chartered Institute of Arbitrators for details of available consumer dispute resolution services. See website: www.arbitrators.org, or call 020 741 7444.

Ombudsman

Some professional services are covered by an ombudsman scheme. Recognised Ombudsman schemes are registered with the British and Irish Ombudsman Association (see below for contact details). Each scheme varies in the type of complaints it can investigate, the power it has and the

procedures it uses. It will not usually look at your case unless you have tried to resolve the dispute by using the company's complaints procedure. There are also time limits for taking the case to the ombudsman. Contact the relevant ombudsman for details. The service is free of charge.

Small claims procedure

The small claims procedure in the county court is a low-cost way of suing for small amounts (up to £5,000). It is meant for people to use on their own, without a solicitor representing them. Leaflets explaining the procedure are available from your county court office and the Citizen's Advice Bureau, who can also help you fill in the forms.

You can find more information about small claims procedure on the following websites: www.courtservice.gov.uk.

Main consumer organisations

Trading Standards Offices

Trading standards offices are run by local authorities. They investigate complaints about goods and services, provide information and advice. Check in your phone book for your local trading standards office or call your Local Authority. You can also find out where they are based on the Trading Standards Central website: www.tradingstandards.gov.uk. The website has a number of useful leaflets about consumer rights and how to complain, including examples of how to write effective letters.

Citizens Advice (CAB)

This service is a registered national charity with many local offices. Citizens Advice Bureaux give free, impartial advice on issues of concern to people, including benefits, housing, legal issues, employment and consumer issues. Advisers can help to negotiate and write letters on your behalf as well as giving advice. The CAB website: www.adviceguide.org.uk includes useful information about consumer rights and who to approach for help. The address of your local CAB can be found in the phone book or on the website: www.citizensadvice.org.uk.

Office of Fair Trading (OFT)

The OFT is a government department which aims to ensure that trading practices are fair and that customers are protected. It does not give direct advice to individuals, but produces a range of useful consumer leaflets and

provides guidance who to contact for help. Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX. Tel: 0845 722 4499 (local rate call). Website: www.ofc.gov.uk .

Consumers' Association

The Consumers' Association is an independent organisation that campaigns for consumers' rights. The Consumers' Association will not help an individual customer with a problem, unless the customer is a subscriber. The Consumers' Association publishes the monthly magazine, Which?, and other consumer magazines available by subscription. Public libraries often have a reference copy of the magazine. It also publishes a range of books, which you may find in your public library. 2 Marylebone Road, London NW1 4DF. Tel: 020 7770 7000. Enquiries for information on subscription: 08453 074000 (local rate call). Website: www.which.net

Consumer Direct

Consumer Direct is a telephone helpline and online service offering free advice on consumer issues. At the time of writing the service is available only to consumers living in Scotland, Yorkshire and Humber, East of England, East Midlands, London, South East England, South West England and Wales but will eventually cover all regions. The website is available to anyone and contains advice and information on consumer rights and what to do if you have a problem. Tel: 0845 404 0506 (local rate call), Minicom: 08451 281384. Website: www.consumerdirect.gov.uk

Ombudsman

The British and Irish Ombudsman Association publishes a directory of ombudsman schemes in the UK and Ireland which gives details about each scheme and how to contact them.

Further information about the Association is available from the Secretary of the Association: 94 Milner Drive, Twickenham, Middlesex, TW2 7JP, 020 8894 9272.

Utilities – gas, electricity, water, telecommunications

If you have a problem with your utility supplier, contact the company first to give them an opportunity to resolve the problem. If your supplier fails to resolve the problem, or if you are not satisfied with their response, contact the relevant organisation listed below for further assistance.

energywatch

energywatch (the gas and electricity consumer council) is an independent organisation which represents and protects the interests of gas and electricity consumers. It can help individuals with complaints about supply and appliances, and produces a series of publications and leaflets including "How to complain". Tel: 08459 060708 (local rate call). RNID Typetalk service:18001 08459 060708. Website: www.energywatch.org.uk

Office of Gas and Electricity Markets (OFGEM)

Ofgem is an independent regulatory body, set up by the government to monitor and regulate the activities of gas and electricity suppliers. Consumer complaints are dealt with by energywatch (see above). 9 Millbank, London SW1P 3GE. Tel: 020 7901 7000. Website: www.ofgem.gov.uk.

Council for Registered Gas Installers (CORGI)

CORGI is an independent organisation which promotes gas safety. Anyone who installs or services gas equipment must register with CORGI. CORGI ensures that the Gas Safety Regulations and the British Standard Codes of Practice are met.

If you wish to complain about a gas installer, or want details of CORGI registered gas installers, contact CORGI at 1 Elmwood, Chineham Park, Crockford Lane, Basingstoke, Hampshire RG24 8WG. Customer services: 0870 401 2300, Website: www.corgi-gas-safety.com

Office of Water Services (OFWAT)

The Office of Water Services (OFWAT) is the independent regulatory body set up to monitor and regulate the activities of the water companies. If you have a problem with your water company, take up the complaint with the company. If you are not satisfied with the way they deal with your complaint, you can take up the complaint with the local Consumer Council for Water. Contact details of local Consumer Council for Water can be obtained from Ofwat or Consumer Council for Water, website: www.ccwater.org.uk. If Consumer Council for Water cannot sort out the complaint, they will refer it to OFWAT. Centre City Tower, 7 Hill Street, Birmingham B5 4UA. Tel: 0121 625 1300. Textphone: 0121 625 1422. Website: www.ofwat.gov.uk

Office of Communication (OFCOM)

OFCOM is a government organisation set up to regulate communication industry in the UK, with responsibilities across television, radio, telecommunications and wireless communications services. OFCOM can look into or take up complaints by individuals about any aspect of telephone services and about programmes on television and radio.

Contact Centre, Riverside House, 2A Southwark Bridge Road, London SE1 9HA. Enquiry line tel: 0845 456 3000 (local rate call) or 020 7981 3040. Website: www.ofcom.org.uk

Media – newspapers, TV, advertising

Advertising Standards Authority (ASA)

The ASA is the independent body set up by the advertising industry to make sure all advertising meets the standards laid down in the advertising codes. It will take up complaints in writing about printed advertising (press, leaflets, posters) and radio or television advertising. Mid City Place, 71 High Holborn, London WC1E 7HW. Tel: 020 7580 5555. Textphone 020 7242 8159. Website: www.asa.org.uk

The Press Complaints Commission

The Press Complaints Commission is set up to deal with complaints from members of public about the editorial content of newspapers and magazines. Complaints should be sent in writing to the Press Complaints Commission, 1 Salisbury Square, London EC4Y 8JB. Helpline: 0845 600 2757, Tel: 020 7353 1248. Website: www.pcc.org.uk.

Postwatch

Postwatch is the consumer watchdog for postal services. It is an independent organisation that monitors the activities of post offices, Parcelforce, Royal Mail and any other competing postal providers. It will investigate complaints from consumers. It has local offices, so check your local phone book for details. Tel: 08456 013 265 (local rate call) or write to: Freepost Postwatch, website: www.postwatch.co.uk.

Marketing

If you are receiving marketing information in your post, or on the telephone, or by email, there are ways of reducing the amount you receive. One way is to ensure that when you send anything back to a company, check if there is any statement about the information you are giving and how it will

be used. There may be a box to tick so that you don't receive more information from the company or other companies.

There are also companies who will help to stop some of the unsolicited mail or calls.

Mailing Preference Service (MPS)

This service is run by the Direct Marketing Association. It is free to register, and will stop most unsolicited consumer advertising. It will not stop advertising from companies with which you have done business in the past, or charities you have donated to – you must contact those companies yourself. It may not stop mail from overseas, which often includes scams such as prize draws. Registration covers all members of a household with the same surname. DMA House, 70 Margaret Street, London W1W 8SS. Tel 020 7291 3310. Website: www.mpsonline.org.uk.

The Telephone Preference Service (TPS)

After registration with TPS your telephone number will no longer be available to organisations, including voluntary organisations. They will not be able to call you with unsolicited offers and information. Address as above, tel: 020 7291 3320, or local rate call on 0845 070 0707. Website: www.tpsonline.org.uk

The Fax Preference Service (FPS)

Enables consumers to opt-out of receiving unsolicited sales and marketing faxes at home. Address as above, tel: 020 7291 3330, registration line: 0845 070 0702. Website: www.fpsonline.org.uk.

Other useful websites:

www.bbc.co.uk/watchdog includes information how to make complaint, how to write good letter of complaint, with a section on legal Frequently Asked Questions (FAQs) and useful links.

www.euroconsumer.org.uk - a website and email advice service operated by Citizens Advice, gives advice and information on your rights as a consumer in the European Union and helps solve problems with goods and services you have purchased in the EU. You can also write to them at: UK European Consumer Centre, PO Box 3308, Wolverhampton WV10 9ZS.

Useful publications:

Problems with goods and services; your legal rights leaflet published by the Legal Services Commission. To order contact the LSC Leaflet Line on 0845 3000 343 or email or on the website: www.justask.org.uk.

Making a complaint factsheet published by Disabled Living Foundation includes information about your rights when buying disability equipment at home. It is available from Disabled Living Foundation, 380-384 Harrow Road, London W9 2HU, tel: 020 7286 6111, helpline: 0845 130 9177, textphone: 020 7432 8009, website: www.dlf.org.uk.

420 legal problems solved by Keith Richards, commission by Consumer Organisation and published by published by Which? Ltd, cost £10.99. It is a question-and-answer book which includes examples of common consumer problems and how to deal with them. It explains how to make an effective complaint and how to use mediation and arbitration schemes.

If you would like

- to receive this information in large print

phone 0800 00 99 66 (free call) or write to Age Concern FREEPOST (SWB 30375), Ashburton, Devon TQ13 7ZZ. Find out more about Age Concern England online at www.ageconcern.org.uk

Please note that the inclusion of named agencies, companies, products, services or publications in this information sheet does not constitute a recommendation or endorsement by Age Concern. Whilst every effort is made to ensure accuracy, Age Concern cannot be held responsible for errors or omissions.

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