

# Consumer Advice and Enquiries Policy

## Trading Standards Mission Statement

The Trading Standards Service is part of Commissioning, Communities and Policy within Derbyshire County Council. The service aims to;

‘Support local businesses, help consumers and tackle unfair and unsafe trading practices.’

The legal areas covered by Trading Standards include;

- Tackling rogue trading activity – e.g. unfair sales practices, counterfeit goods, ‘cowboy builders’ and property repairers;
- Checking that goods supplied in Derbyshire are safe – e.g. toys, electrical goods and general consumer products;
- Ensuring that food is safe and complies with labelling and composition requirements – e.g. use by dates, minimum meat content;
- Protecting the welfare of farm livestock and preventing the spread of disease – e.g. foot and mouth, avian flu;
- Inspecting weights and measures equipment to ensure accuracy and that goods are of the correct measure – e.g. petrol, beer etc.;
- Preventing the illegal sale of age-restricted products to young people – e.g. alcohol, cigarettes, fireworks, knives etc.

See further details online at [www.derbyshire.gov.uk/tradingstandards](http://www.derbyshire.gov.uk/tradingstandards).

As part of our role in enforcing trading standards laws, the service provides advice to local residents and businesses. This is done in partnership with the Citizens Advice Consumer Service.

## **Citizens Advice Consumer Service**

The Citizens Advice Consumer Service (CACS) is the first point of contact for trading standards queries. The advice they give is free and impartial. Their telephone number is **0808 223 1133** and the service is open 9 to 5 Monday to Friday.

Online requests for advice can be submitted via the Citizens Advice website by following this link - <https://www.citizensadvice.org.uk/about-us/contact-us/contact-us/consumer-service/>

We have an arrangement with CACS which means that they provide advice whilst forwarding all enquiries to us for information

The cases referred to us by CACS fall into two broad types; those which reveal breaches of the civil law and those which indicate that criminal offences might have been committed.

Where the complaint concerns a civil breach of contract (such as poor workmanship, faulty goods, unsatisfactory service) we may provide additional help if the consumer is vulnerable and / or the problem relates to a contract they have with one of our Trusted Traders.

Complaints concerning possible criminal offences (for example, misleading prices, unsafe goods and food past its use-by date) are assessed and may be prioritised for follow-up action.

## **Dealing with Enquiries**

All enquires that we receive are potentially important because they provide vital information about the issues affecting consumers or businesses in Derbyshire - they can help us identify rogue traders and harmful business practices.

Every enquiry is assessed but we do not have the resources to deal with each one individually. We have to prioritise them in order to use our resources in the most effective way. We apply a range of criteria to help us focus on the most important cases (see below).

## **Civil or Contractual Disputes**

All referrals from CACS are sent to Trading Standards for information.

We have an agreement with CACS that we may intervene in a civil law referral if:

It involves a vulnerable consumer – e.g. cases where the consumer is elderly or has learning difficulties, or there are language barriers, or it relates to a contractual dispute with one of our Trusted Traders.

In all other cases we will assess the enquiry and may offer additional advice / assistance if it relates to one of our priority areas (see below).

## **Enforcement Teams**

The service deals with a wide range of criminal legislation which is intended to ensure that the consumer gets a fair deal and that businesses act responsibly.

Complaints are referred to our enforcement teams when the circumstances of the case indicate that a criminal offence might have been committed within the County of Derbyshire.

The main purpose of a criminal investigation is to assess the conduct of the business being complained about. If this conduct falls below the legal standard then enforcement action can be taken. Possible action includes; advice and education, letters of warning, cautions, prosecution and County Court Injunctions. Fixed penalty notices or licence review are also available if a breach in the law relating to alcohol has occurred.

Derbyshire Trading Standards Service has a Compliance Policy which has been approved by Elected Members. It covers all aspects of trading standards enforcement and is available at:

<http://www.derbyshire.gov.uk/business/trading-standards/about-us/compliance/compliance.aspx>

Some breaches of the criminal law are relatively minor and we will not investigate all criminal complaints individually. We will record the details of all complaints and take appropriate action based on our assessment of the risk to local consumers and legitimate businesses.

All criminal investigations must be conducted in accordance with criminal justice legislation and we abide by the Enforcement Concordat issued by the Cabinet Office and any subsequent guidelines that may be issued.

Our investigations are kept under review and we may decide that no further action is possible. This may be because there is insufficient evidence to support enforcement, or it may be that we feel it is not in the public interest to take formal action. In these circumstances we will contact you to explain our decision. Guidance on our decision-making process is contained in our Compliance Policy.

Investigations are thorough and as such can take a significant time – sometimes a year or more. We will, however, keep you regularly updated of progress.

Where we feel a prosecution is appropriate it will be necessary, under normal circumstances, for the person making the original complaint to provide a witness statement. In some cases, they may also be required to attend court to give evidence.

## **Prioritisation**

In order to help us to prioritise our work we consider the following criteria;

1. Whether the enquiry falls within one of our priority areas;
  - Taking action against rogue traders that deliberately or persistently break the law.
  - Providing support and advice to vulnerable consumers including victims of doorstep crime and scams.
  - Supporting local businesses through the Trusted Trader scheme, the provision of business advice and the Better Business Regulation initiative.
  - Acting to ensure that consumers are protected from dangerous or unsafe products.
  - Helping to ensure the safety and security of the food chain.
  - Ensuring that the risk of animal disease outbreak is minimised and that farm animals do not suffer unnecessarily.
  - Helping people make informed, healthy choices about the food they eat.
  - Restricting the access of young people to harmful age-restricted goods such as alcohol and tobacco.

If the priority test is satisfied, we go on to consider the following;

**2. In relation to any business involved;**

- Is it based in Derbyshire or another part of the country? Enquiries about Derbyshire businesses are prioritised on the basis that the trading standards service nationally tries to deal with issues arising from businesses in their own area. Enquiries about non-Derbyshire businesses may be referred to trading standards colleagues in the area where the business is based.
- The previous history of the business, have there been other complaints of the same type? Have we had other problems with the business in the past? Do they usually deal with customer complaints effectively?
- Is the business a member of the Derbyshire County Council's Trusted Trader Scheme? Enquiries about Trusted Traders are always given priority.
- Other factors, such as the size and risk assessment of the businesses. We would tend to prioritise enquiries about businesses we classify as high risk such as food or feed producers / importers, livestock markets and manufacturers / importers of products caught by safety legislation (for example, toys, electrical goods and furniture).

**3. Finally, we consider;**

- Is there a vulnerable consumer involved?
- Is the amount of detriment high – either to the individual complainant or the public at large?
- The nature of detriment – is there a safety or public health risk or is it purely economic?
- The frequency with which the type of enquiry occurs – is there an issue of general consumer awareness? Is the trading practice complained about widespread?
- Is there any adverse environmental impact?
- Is it an issue of animal welfare?

**Trusted Trader**



Derbyshire County Council operates a Trusted Trader Scheme which promotes reputable businesses and makes it easier for consumers to find a business offering a good job for a fair price.

Trusted Trader is one of the key ways in which we help Derbyshire consumers. If they use a Trusted Trader, they can do so in the knowledge that each member has been checked by Trading Standards. All Traders who want to join the scheme must agree to abide by our code of conduct. If problems do occur with a Trusted Trader, the customer has the added benefit of knowing that Trading Standards will help to sort the problem out and, if necessary, will take it up with the trader concerned.

You can find out about Trusted Trader online at [www.derbyshire.gov.uk/trustedtrader](http://www.derbyshire.gov.uk/trustedtrader) or by ringing Call Derbyshire on 01629 533190.

## **Consumer Education**

A key part of the trading standards role is to provide information to consumers about their rights as consumers and also to warn local residents about potential scams or other unfair trading practices. The Division works closely with County Council Public Relations colleagues to make local consumers – and businesses – aware of rogue traders who might be operating in Derbyshire. We proactively publish details of enforcement action that we have taken and the steps we have taken to prevent traders from acting against the interests of local consumers.

## **Customer Care Policy**

We appreciate that many of the people who seek help from the trading standards service are frustrated because they have bought goods that are faulty or have received a poor service from a local trader. Our staff are sensitive to these frustrations and we will always endeavour to be friendly and helpful when providing our service and will treat everybody with courtesy and respect.

Derbyshire Trading Standards Service aims to follow the Council's Customer Charter as well as our own Service Standards.

The Council's Customer Charter is available on the Council website at: <https://www.derbyshire.gov.uk/council/policies-plans/customer-care-charter/customer-care-charter.aspx>

Our Service Standards are also available on the Council's website at: <https://www.derbyshire.gov.uk/business/trading-standards/about-us/servicestandards/our-service-standards.aspx>.

## **Equality Statement**

We are committed to the principle that all our customers and employees have the right to equality of opportunity and equity in the way they are treated and in the services they receive.

This means taking into account issues relating to age, disability, HIV status, marriage and civil partnership, pregnancy and maternity, race, religion, sex, sexuality, sexual orientation, national origin or ethnicity or any other of the protected characteristics as defined in the Equality Act 2010.

We are committed to ensuring our practices and services are free from discrimination and prejudice and meet the needs of our community.

For more details about the Council's equality policy please contact Call Derbyshire on 01629 533190 or go to the Derbyshire County Council website: [www.derbyshire.gov.uk/council/equalities/](http://www.derbyshire.gov.uk/council/equalities/).

## **Feedback**

If you are not happy with our service, you may contact us to raise your concerns. If you are not happy with the explanation given by the person you have been speaking to, then you should address your concern to a trading standards manager.

You can contact us by;

Letter: Derbyshire County Council, Commissioning, Communities and Policy, County Hall, Matlock DE4 3AG.

E-mail : [trading.standards@derbyshire.gov.uk](mailto:trading.standards@derbyshire.gov.uk)

Any complaint about our conduct will be investigated in accordance with the County Council's Complaints Procedure. Further details available from Call Derbyshire 01629 533190 or on the Derbyshire County Council website:

<https://www.derbyshire.gov.uk/council/complaints/complaints-procedure/complaints-procedure.aspx>.

## **Review**

Our Consumer Advice and Enquiries Policy will be reviewed every year. The review will consider any feedback received and aim to improve our service by changing the way we work.

We want everyone to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.