

DERBYSHIRE COUNTY COUNCIL

Meeting with Cabinet Member – Health and Communities

10 September 2013

Report of the Strategic Director Cultural and Community Services

SUPPORTING LOCAL CONSUMERS

1. Purpose of the report:

To advise the Cabinet Member – Health and Communities of activities undertaken by the Trading Standards Division to support local consumers from rogue traders.

To seek the Cabinet Member's approval to pilot the use of a telephone monitoring service to protect potential vulnerable consumers from nuisance telephone calls.

2. Information and analysis:

- 2.1 Whilst the vast majority of consumer transactions are completed without any issues, there is a significant number that leave the consumer disappointed. This may be because the consumer has unreasonable expectations or hasn't thoroughly researched their requirements before committing to the purchase of goods or services, or it may be because the trader has either deliberately or accidentally misdescribed the product or otherwise has let the customer down.
- 2.2 The first point of contact for consumers who are dissatisfied with something that they have purchased is the Citizens Advice Consumer Service (formerly Consumer Direct). (Telephone Number 08454 04 05 06). The majority of problems can be resolved with the vendor via a telephone conversation. Initial legal advice is provided by CACS but more complex issues that may involve a breach of trading standards legislation are referred to the relevant local authority (usually where the consumer lives or where the contract is made). There is a wide range of both civil and criminal legislation that regulates the sales of goods and services. The local authority has a duty to enforce the provisions of most of the legislation referred to as 'trading standards' or 'consumer protection' and a report to Cabinet and the Regulatory and Licensing Committee has recently been taken which gives authority to the enforcement of this legislation.
- 2.3 Derbyshire Trading Standards plays an active role in an area of trading malpractice referred to as doorstep crime - crimes carried out by bogus callers and rogue traders who typically cold call people as a way of generating business. Unfortunately, there are a minority of rogue traders that continue to prey on local householders – and in particular – older residents in this way.

They often employ high pressure sales techniques. The Derbyshire Trusted Trader Scheme was created in conjunction with Adult Care and Community Safety to provide local residents with a trusted alternative to unsolicited doorstep traders and has proven hugely popular with both local consumers and businesses. However, the authority continues to get alerts about potential rogue trading activity, for example:

- Bogus burglar alarm companies
- Bogus charity collections
- Itinerant traders offering driveway and roofing repairs
- Unsolicited scam telephone calls relating to council tax, pensions and wills.

2.4 The Trading Standards Division carries out a range of proactive and reactive activities. These are summarised as follows:

- Initiating alerts via 'Derbyshire Alerts' operated by Derbyshire Police. 23 messages were circulated during 2012-13
- Issuing 'No Cold Calling' stickers; 6,000 were distributed during the year.
- Leaflet drops to local communities following notification of itinerant traders seeking 'home improvement' jobs. Leaflets were distributed in Chesterfield and Ilkeston in areas where there are high rates of occupation by elderly residents.
- 11 talks and displays to local groups were undertaken to raise awareness about the potential harm from doorstep crime and to promote the Trusted Trader Scheme.
- Direct intervention following notification about a doorstep transaction when the local resident is perceived as vulnerable.

2.5 Seven such interventions were carried out during the last financial year in response to concerns raised by local residents. On each occasion the householder had received an unsolicited approach from the trader to sell products such as driveway replacement, burglar alarms, mobility aids and home 'water-proofing' treatments. These interventions saved the consumers a total of £9,575. Further examples are given in the appendix to this report.

2.6 Doorstep crime can be initiated either through a visit to a vulnerable person's home or through an unsolicited telephone call. Our advice not to deal with telephone cold calls can sometimes go unheeded and we have recently become aware of a product which could potentially help the most vulnerable people by screening their calls. Uninvited callers are given a pre-recorded message explaining that the resident has effectively transferred calls to an identified family member. Friends and family members can still call the resident direct by entering a code. This could be a way to support older people to live independently in their own homes by giving both them and family members the confidence that they will not be pestered by 'nuisance calls' or

worse, be tricked into entering into financial transactions that they either do not want or do not fully understand.

- 2.7 An example of one such product, which was promoted at the recent Trading Standards Conference – is provided in Appendix 2 below. It is proposed, subject to the Cabinet Member's approval, that this product is trialled for a period of six months and evaluated to assess the benefits in conjunction with Police, Community Safety, Public Health and Adult Care colleagues. The cost of the facility to be trialled will be approximately £1,000 which can be met from existing funds. As part of the trial we will engage with Police, Community Safety and Adult Care colleagues to identify a suitable cohort in which to undertake the trial of the telephone system. On completion, a report evaluating the trial will be submitted to the Cabinet Member for consideration including future development of the scheme if the trial is a success.

3. Other considerations:

In preparing this report the relevance of the following factors has been considered; financial, legal, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property and transport considerations.

4. Background papers:

None

5. Key Decision:

No

6. Call-in:

Is it required that call-in be waived for any decision on this report?
No

7. Strategic Director's recommendation:

That the Cabinet Member – Health and Communities notes the contribution that the Trading Standards Division makes to protecting vulnerable consumers from cold-calling and approves the evaluation of a telephone referral service to protect vulnerable older people from nuisance telephone calls.

Martin Molloy
Strategic Director
Cultural and Community Services

Examples of Trading Standards Interventions to protect older residents following 'doorstep' transactions with traders who have called in person at their home without prior arrangement

- An elderly, vulnerable lady and her husband suffering from dementia from Whatstandwell who had agreed to buy 2 chairs from the same mobility company, following a high pressure sales pitch. We wrote to the business, cancelled the contract, and secured a refund of £1,500.
- An elderly lady from Belper had responded to an advertisement in a local paper for a stairlift. This had been fitted without reasonable care and skill as the front door was unable to open with the stairlift in place, the lady's knees scraped the wall whilst using the lift and the installer had cut a hole in an upstairs door to allow part of the lift to fit. This had left a sharp piece of metal protruding through the door. We attended when the installer returned to the lady's house for payment and advised that a notice of cancellation rights had not been given to the consumer, making the contract unenforceable. The business agreed to remove the stairlift and to pay £50 for damage to the door.
- An elderly man from Sandiacre had agreed to have a spray treatment applied to the walls of his house following an unsolicited visit by a salesman. He had been persuaded that this would help waterproof and insulate his home – claims we know cannot be substantiated – and that government grants could be available – again untrue. The salesman was a former employee of Virgo Healthcare Ltd, a mobility business prosecuted by this authority. Treatment began almost immediately, before the 7 days cancellation period expired. We contacted the business on the consumer's behalf to advise that he did not want the work to continue and would not be paying, saving him £2376. We also contacted the police who attended and took details of the workman at the premises.
- The successful prosecution of a trader, Claude Evans, who had cold-called an elderly disabled consumer in Buxton offering to carry out gardening work. Evans started work immediately without providing any paperwork and asking for payment in cash which alerted the consumer to the fact that something was amiss. He left Evans on the pretext of going to the bank to withdraw the money, but in fact went to Buxton police station for advice. The sergeant on duty had received training from Trading Standards so recognised the fact that criminal offences had been committed. Trading Standards Officers attended with the police and Evans was arrested. He was prosecuted for the offence of failing to give a 7-day cancellation notice in writing. He was given a conditional discharge and ordered to pay £300 in costs. The cash given to Evans by the consumer was returned.

Example of facility to prevent nuisance calls

The screenshot shows the trueCall website in a Windows Internet Explorer browser. The URL is https://www.truecall.co.uk/care.aspx. The website has a navigation bar with links: Home, Products, News, Nuisance call advice, Order today (highlighted in red), and Customer login. Below the navigation bar, there is a section titled 'trueCall Care' with a sub-header 'STOPS NUISANCE CALLS'. A list of features includes: Controlling incoming calls, Controlling outgoing calls, Remote Management, Extra features, Installation, Manuals, and FAQ. A central image shows the trueCall Care device, a white base unit with a handset. To the right of the device, the text reads: 'Stop these callers in their tracks ...' followed by a list of call types blocked: Persistent salesmen, International scams, Silent calls, Recorded message calls, and Plus many, many more ... Below this list, it says 'Protect your loved ones from nuisance calls'. On the right side of the page, there is a video player titled 'DRAGONS' DEN' with the text 'See how trueCall won over all the Dragons in the BBC TV series' and a link 'To watch the video click HERE'. Below the video player, there is a section titled 'How does it work? Watch the video' with a play button icon and a speech bubble saying 'I'm afraid that we're not interested in your call,'.

While the telephone can be an essential lifeline, it can also bring problems for older and vulnerable people - particularly those with dementia. They may be confused by telemarketing calls, agree to order products that they don't need, or be taken advantage of by persistent or unscrupulous sales people and scammers.

trueCall Care checks every call that arrives. If it is a trusted caller it lets them straight through. Other callers are blocked with a polite message – for example:-

“Hello, Mary is only accepting calls from friends and family members. If your call is important, please call her son Bob on 07752 XXX XXX or enter your code now”

This guarantees that whenever the phone rings it will be a trusted caller.

trueCall Care is fully configurable so you can choose how you want calls to be managed and can also block outgoing calls to certain numbers. It can be remotely managed over the Internet so you can look after your relative from your own home - keeping their trusted caller list up to date and monitoring their call log. With the optional Call Recorder memory card you can even record the calls. Online access is free for the first year after which there is an annual charge of £25.

Requirements

- *Works with all telephones and networks*
- *Works alongside pendant alarm system*
- *You will require the Caller-ID service from the network (this is often free)*
- *You will need a power socket near the main telephone or base station*

<https://www.truecall.co.uk/home.aspx>