

Trading Standards and Vulnerable Persons

WHAT CAN HAPPEN TO VULNERABLE CONSUMERS?

Who is a vulnerable person? They are usually considered to be someone who has a health problem affecting mobility, eyesight, hearing or frailty due to old age and the like. Vulnerable persons can also include those with learning difficulties.

The Trading Standards Service receives many thousands of complaints each year. The consumer is offered civil advice over the telephone. However, when it is evident that the complainant is an elderly person or someone else who may be vulnerable, they are visited by a Fair Trading Officer. This often reassures the elderly person that they are not alone in trying to tackle their problem. Quite often, after discussing the matter, it can become evident that there may be a criminal element to their problem. These persons often give valuable information that can lead to a trader being prosecuted by the Service. Not only have they been “ripped” off, often paying an extortionate amount for goods or a service, but their confidence in human nature has been shattered. They have welcomed a salesman into their home, as they cannot shop like the more able bodied person. They have believed in him/her and they have placed their trust in them. They usually pay “up front”, often in requested cash. They do not query this as their generation was brought up that if you can’t pay, you don’t buy, so they willingly hand over the total amount before they have seen the goods or had the service carried out. They were told it is not right to owe money. High pressure selling techniques are employed, securing the deal regardless of whether the product is suitable for the consumer. The client’s inability to pay is often ignored. Salesmen may doorstep sell or enter the person’s home to such a variety of goods such as: - wheelchairs, vacuum cleaners, fire/burglar alarms, solar heating, electric beds/chairs. Doorstep sellers can also promote utility services such as gas or electricity. The vulnerable person does not like to delay the representative by stopping to read the document and sign the small uncovered portion believing it is merely a request form to obtain more information. It is not until they receive letters welcoming them to a new supplier and another stating the original supplier is sorry to lose their custom, that they realise they have been duped into signing a contract to change suppliers.

When the salesman fails to deliver the goods, supplies a second hand item instead of a new one or supplies faulty goods or a shoddy service, the vulnerable person feels ashamed that they have been conned. The majority do not report the matter and are often afraid even to divulge their dilemma to their immediate family. Quite often, the Trading Standards Service only hears of the problem if the relatives do discover what has happened and they contact us on behalf of their relative.

Under the Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) regulations 1987, if a salesman’s visit is unsolicited – i.e. he knocks on the door, phones for an appointment or leaves a flyer at the house, then the consumer must have a written document explaining their cancellation rights and how to exercise them. They should have seven days in which to cancel in writing. If these details are not supplied, the consumer should not lose their cancellation rights.

We work closely with the Police using the Litotes scheme. This comes into place when a complaint is made to either agency, the Police or the Trading Standards Service and they inform each other, often meeting up at the scene of the possible offence. Tarmacers, roofers and recently, an influx of immigrant builders have caused concern over the years. The vulnerable person is advised their drive is in need of repair or that they have a cracked slate on the roof etc. Quite often, there is no need for the work. If they are convincing, they will be believed. If there is a gang of heavily built workmen, the vulnerable person could be intimidated and agree to the work. Sometimes the work is still carried out if the consumer declines the

trader's offer. Frequently there is nothing in writing and the vulnerable person is asked to pay a vast amount more than was first mentioned. If they cannot pay (and cash is often preferred) it is not unknown for them to be driven to the bank to withdraw the money. If they insist on paying by cheque, the trader will often ask the consumer to make the cheque out to cash. They head immediately to the bank and the money is withdrawn. These are usually itinerants and move rapidly to another area, so they cannot be traced. Usually, they do not offer a receipt and frequently when asked for one, get the consumer to write what they are telling them to put down. It may be that they are illiterate or crafty, knowing that if they have not supplied the document it is worthless. White vehicles are used often, some with magnetic name plates that can be changed. Since we have worked with the Police, the traders tend to move from the area, but the system notifies other Police Forces and Trading Standards authorities, so that a national record is held on computer of the various traders.

Some vulnerable people are housebound or virtually housebound and need stair lifts. It has come to our attention that some stair lift installers/repairers see these persons as an easy market. Often, they are encouraged to purchase a reconditioned or new stair lift, rather than have their existing one repaired. Not only is the person parting with more money than they expected to, but it is not unknown for their existing stair lift to be removed in readiness for the installation of the reconditioned or new stair lift. It is not hard to imagine the difficulty experienced when the disabled person is stranded downstairs and their expected stair lift never materialises. The trader has obtained the money and frequently, cannot be readily traced. When they actually supply a lift, it is frequently installed badly and seem reluctant to return to resolve the situation. Some stair lifts have been proven to have been installed in a dangerous condition.

Despite, media warnings, the vulnerable person is easy prey to mail shot scams. They think they have won a prize, despite the term 'award' being used and there are often terms and conditions included in the text that fully outline how many awards are to be made. These can number thousands and sometimes state the worldwide countries that have been sent such documents in the promotion. Quite often, the details will explain that the promotion is over a very lengthy duration. Despite this, the vulnerable person believes they will be the absolute "winner" and send off the money. Once they are proven to be a responsive customer, they become inundated with such post, sending off more money as they are convinced this time will be their lucky one. The only winner is the person receiving the money.

Clairvoyants send out mail shots, requesting money for personal readings. The vulnerable person can believe that if they do not comply, something terrible will happen to them. Will making companies often target the vulnerable who part with their money and may not receive the legal documents they had expected.

Sometimes there is clear evidence of deception. In such cases it is rather more common for no goods or service to be provided, or if they have been supplied, they are obviously unsatisfactory.

It should be noted that in a few cases there may be indications that there is no case to pursue, since the consumer cannot provide sufficient evidence to prove he/she has been the victim of unfair trading. They may be in their situation simply because they have made an unwise purchase.

HOW CAN SOCIAL SERVICES AND THE TRADING STANDARDS SERVICE HELP EACH OTHER?

1. Trading Standards have no ability to assess persons and offer them counselling should it be required. However, should we discover such a person through a consumer complaint, we can gain their permission to contact another agency who may be able to offer them

assistance. We can then inform the Vulnerable Persons' Team of DCC Social Services who can assess the situation.

2. Social Services may become aware through their clients that they are vulnerable to rogue traders. For example, there may be many records of non-supply of stair lifts and with the clients' permission, the details can be passed to the Trading Standards Service. Social Services could prove to be a very valuable source of information for the Trading Standards Service. They may well report a trader to us of whom we are aware to be trading badly, but we have insufficient cases against him/her to enforce the Enterprise Act to prevent him/her from trading in the future.

Contact numbers for reporting traders who have caused distress to Vulnerable Persons are:-

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