

Briefing



Help the Aged

Doorstep Selling (Property Repairs) Bill

Background

Distraction burglary and bogus caller crime are amongst the key concerns of Help the Aged's Senior Safety campaign.

We know that rogue traders, bogus callers and distraction burglars often target vulnerable older people and that older people are particularly likely to fall victim to this type of crime.

We work with older people to help them protect themselves from this kind of criminal, by offering advice and information, and by providing SeniorLink units in older people's homes, which they can use to call for support and advice when people call at their homes.

We have also worked with the Government on its Distraction Burglary Task Force, to tackle the issue through national initiatives. However we believe there is a gap in the legislation around doorstep selling of property repairs.

Help the Aged is calling for a ban on cold calling for property repairs because we know that this is one of the key "fronts" used by the perpetrators of distraction burglary and bogus caller crime.

Older people are being targeted by a serious criminal element, masquerading as tradesmen, and they are being conned out of large sums of money.

The modus operandi of these criminals is to target vulnerable older people, offer them property repairs (often using scare tactics to suggest that the work is urgent), perform a small amount of work and then demand large sums of cash in payment (often far larger than the sum originally quoted). The rogue traders use intimidation to ensure immediate payment, often going so far as to drive older people to their banks to withdraw monies.

A ban is the only way that these criminals can effectively be stopped – the police are usually unable to become involved because the traders often do some kind of work, making the matter a civil issue, however, because traders rarely leave contact details, trading standards officers find themselves powerless to act.

This a serious issue, not just because of the large sums of money extracted using these cowboy tactics, but also because we know that victims of this kind of crime are often later targeted by other rogue traders, bogus callers and

distraction burglars. There is evidence to suggest that these criminals are operating in gangs to target and retarget the most vulnerable victims.

Property repairs and home improvements are the priority for legislation because:

- They are high value
- They usually involve matters outside the householders knowledge (unlike selling of goods which the householder can examine)
- They are often complex so it is easy to mislead householders
- It is often difficult to check the work done (for example roof repairs)
- Many older people need help with property repairs
- There is evidence of links between bogus property repairers and more serious criminal elements

We believe that without a complete ban on cold-calling for property repairs, backed with powers of arrest, these criminal elements will continue to be able to target vulnerable older people.

Recent Developments on Doorstep Selling

There has recently been an increase in interest in the issue of doorstep selling.

In September 2002 the National Association of Citizens Advice Bureaux (NACAB, now Citizens Advice) launched a report *Door to Door* looking at the issue of doorstep selling.

The OFT then accepted NACAB's submission as a super complaint and has conducted an investigation into the issue, which has now reported.

A coalition being led by Trading Standards Officers from around the country, and supported by a range of other organisations including representatives of the police and a number of voluntary organisations, have been increasing pressure for legislation in this area. The Trading Standards Institute published a major report on the issue in April 2003.

In December 2003 an Early Day Motion (number 219) was tabled by Paul Truswell and Julian Lewis MP called an Adjournment debate, citing his personal experience of bogus caller crime, through the experience of his father Sam Lewis.

Then in March 2004 Paul Truswell MP called a further adjournment debate and Andrew Robathan put forward a Private Members Bill on the subject.

Also in March (04.03.04) the OFT published 4 different legislative options for dealing with bogus calling, in advance of the publication of its full report – one of these options was a complete ban on cold calling.

Ministers have shown increasing receptivity to the issue. Gerry Sutcliffe, the Minister at DTI, recently agreed to establish a cross-departmental ministerial

working group on the issue, and has committed to dealing with the issue “by the best means possible”.

Finally, on 12 May 2004, the OFT published its final report on doorstep selling. It brought forward a number of recommendations for improving consumer protection and also recommended that the Government should consider a range of legislative options for tackling bogus traders, including a complete ban on doorstep selling for property repairs.

Evidence and Statistics

- Police records in 2001/2-2002/3 indicated an average of 19,030 reported distraction burglary crimes in England & Wales per year (HO Crime Statistics, 2002/3).
- However, this figure is likely to be a significant under-estimate of actual levels of distraction burglary, due to inconsistencies across police forces in the classification and reporting of distraction burglary incidents; and due to underreporting due to embarrassment, fear, or simply because victims may fail to identify missing valuables from the home, or may not link stolen monies to a previous distraction burglary incident.
- A Help the Aged NOP survey amongst over 60s in Great Britain would suggest that between 300,000 and 400,000 of the population of Great Britain aged 60 or over may have been approached by distraction burglars in the past year alone.
- Findings from the same survey would also suggest that these suspicious callers have gained entrance to the homes of approximately 180,000 older adults, and have stolen from approximately 122,000.
- Worryingly in the same survey significant numbers of older people reported taking few precautions: when faced with an unknown caller, 25% of respondents reported that they just opened the door without taking any kind of precaution; and 25% of older people reported that they failed to keep external doors locked whilst at home during the day.
- A survey carried out by the Trading Standards Institute in November 2002 revealed that 95.7% of householders do not want doorstep sellers cold calling.
- Only 0.1% of survey respondents said that they welcomed cold callers
- In the same survey nearly 10% of householders reported problems with, or following the cold calling of property repair/ maintenance/ improvements in the previous two years. This was the highest generic problem area. Translated to the national picture this would equate to 2.5 million householders
- In March 2002 the OFT carried out a “snapshot” survey of complaints made to trading standards authorities about doorstep selling. 45% of doorstep selling complaints related to home maintenance, repairs and improvements (including double glazing).
- The average value of services involved with property repair complaints was £2264.

Other organisations supporting a ban

The following organisations have offered their support for the Bill:

- Help the Aged – Jan Williams – National Development Manager for SeniorLink said “Consumers need to have stronger rights and feel confident and reassured when agreeing to have property repairs. Too often, when they are confronted on the doorstep, they end up paying high prices for work that is not needed in the first place, some use their life savings and are left feeling embarrassed, their confidence is damaged, and they no longer feel able to live independently. Banning doorstep trading for property repairs would mean rogue traders were unable to take advantage of older people.”
- Trading Standards Institute (key names include Brian Steele, former detective chief superintendent, who was co-ordinator of the Leeds distraction burglary project now working for trading standards; and Stuart Pudney of North Yorkshire Trading Standards Association)
- Sense (a letter of support has been sent direct)
- Victim Support
- Andrew Large, Director of External Affairs at the Federation of Master Builders, which represents 13,000 small building firms, said "We welcome this initiative from Gordon Marsden MP and support his Bill. Vulnerable consumers should be protected from being pressurised into purchasing repairs on their doorstep, often at grossly inflated prices and with shoddy workmanship."
- Detective Sergeant David Stone of Operation Liberal – a consortium of 11 police forces dealing with distraction burglary. They strongly support the Bill as they know that the victims of distraction burglary are very often the same people that have been the victims of cold callers on the doorstep.

Case Studies

Case studies from the West Sussex Trading Standards/Help the Aged Community Safety Initiative, which installed Help the Aged’s SeniorLink alarm in older people’s homes:

Mrs Allen

During the summer of 2003, West Sussex County Council Trading Standards Service became aware of a company that was using deceptive tactics in order to encourage elderly people to have their driveway repaired or re-laid.

Typically, the company would cold-call on elderly people, name a low price for driveway work in order to get agreement to carry out works, and then inflate the cost once the job had been completed.

In July 2003, Trading Standards were contacted by Mrs Allen, an 82 year old woman who had been approached by this company and who had agreed to having her driveway re-laid. Mrs Allen was concerned since the cost was much higher than she expected and the trader was due to return later that day to collect payment. Trading Standards attempted to identify the trader but found false addresses had been given. Mrs Allen contacted the company by

telephone and stated that she did not wish to pay the full cost. However the company were abusive and intimidating. Trading Standards negotiated a reduced price for Mrs Allen and then helped Mrs Allen pay over this money.

Mrs Webb

Mrs Webb was visited by the same company as Mrs Allen. The company tarmac-ed her driveway with her consent but without a price being agreed before work started. They then demanded a much higher price than expected. Mrs Webb paid the price demanded by cheque and then contacted Sussex Police. Trading Standards and Sussex Police attended Mrs Webb's home and Sussex Police instructed her bank to stop the cheque. Trading Standards installed a Seniorlink alarm from Help the Aged to assist Mrs Allen should the company return after they discovered the cheque had been cancelled.

Mrs Allen did not receive a return call from the company and did not continue with the Seniorlink alarm after the trial had ended.

Mrs Rollinson

Mrs Rollinson was cold-called by a tradesman offering garden work. She agreed to them cutting down some trees. The trader was paid for this and then replaced a fence in her absence and without her permission. They demanded money for this replacement fence.

Sussex Police were called by Mrs Rollinson and spoke to the trader. Sussex Police referred the incident to Trading Standards for investigation and a Seniorlink alarm from Help the Aged was installed for Mrs Rollinson as part of this investigation. This primarily provides assistance to Mrs Rollinson should the trader return.

Mrs Tribe

Mrs Tribe had her driveway surfaced with gravel several years ago as a result of a cold-call. In October 2003 2 men came to her house and she recognised them as the sons of the man who had originally created the gravel drive. They started to resurface her driveway without her permission and eventually, once some work had been done. Mrs Tribe let them continue on the promise of a 'good price'. After work was completed, the men quoted an extremely high price. Mrs Tribe negotiated this price down and paid what she could get in cash at that time. She then agreed for the men to return at a later date for the remaining money.

Mrs Tribe called Trading Standards in order to ask whether the price being charged was a fair price. Mrs Tribe was advised she did not need to pay any more money because of the way the men had approached her and Trading Standards intervened to assist her. Mrs Tribe was given a Seniorlink alarm from Help the Aged in case the men returned when Trading Standards were not present to deal with them

Mr Draper

The homeowner (Mr Draper, an 87 year old man) was approached at home by "Gypsies" who he has ultimately given £9200. The men originally said his

front drive needed doing. They started clearing this drive and then said the back needed doing. On Saturday they said the job was bigger than they thought and they wanted more money. Mr Baker (the homeowner's friend) came around and the trader was refused more money. The trader has left the site but left some tools behind. They were due to come back when we got involved. The trader only left details of an 0800 telephone number which was unobtainable and 2 mobile phone numbers, one of which is never answered. The other mobile phone number is on a receipt and is answered. However, the phone was answered by a man who stated that he had nothing to do with the matter.

We attended Mr Draper's house and waited for the trader. However, they did not turn up. We then called the trader, warned them off and ensured that their tools were taken without them contacting Mr Draper.

Mr Heal

Mr Heal's daughter contacted Trading Standards after discovering that her father had been systematically targeted by rogue traders for about 4 years. In 1998 an unknown trader carried out some work for Mr Heal and then claimed his garage needed underpinning and demanded over £10000 to do this. The daughter found out what was happening and stopped the payment. It appears for the last 3 years a trader has been returning almost fortnightly to carry out building work and obtain money. No paperwork, receipts or invoices have ever been issued. Mr Heal has re-mortgaged his home in order to pay the trader. Approximately £80,000 has been paid over by Mr Heal for apparently very little work.

Trading Standards are investigating this matter. Mr Heal's family are selling his home and Mr Heal is to move to sheltered housing nearer his family. In the meantime, the family requested a Seniorlink alarm from Help the Aged in order to protect Mr Heal whilst he remains in his home and the trader may return.

Case Studies from Trading Standards Institute – Door to Door Cold Calling of Property Repairs, Maintenance and Improvements - April 2003:

Barnsley

A Barnsley building society employee became concerned when a lady in her eighties, accompanied by an Irishman had requested withdrawal of £12,000. They questioned the woman and was told that it was part payment for some paving work which had been carried out at her home. The concerned employee telephoned the police but by the time they arrived, the workman had gone. He was however due to return the following day to continue with the job.

The woman was obviously distressed and officers were concerned about her welfare. The work which had been carried out was later estimated to be worth no more than £1000 and was very poor quality.

Further enquiries revealed that the man had previously carried out work on her roof (£550) giving her a false 10 year warranty. The traders (three men) did in fact return to the house but on this occasion were greeted by a police officer and a trading standards officer. They said they were working for a “Mr Connolly” but when the officer tried to ring the telephone number given it rang a mobile in their van.

Inverness

Householders in the Inverness area received doorstep calls offering free damp surveys. It seemed the elderly were targeted by the “business”. Following an immediate survey householders were invariably told that work was needed (typical cost £1200-£1500) which was completed within 24 hours. Subsequent investigation by trading standards showed that no work was in fact required on the properties. To make matters worse, it is now believed that a sister “business” then called on customers saying that they had taken over the previous business and were concerned about the quality of the work – offering a fresh survey. This again showed work needed doing and the householder was charged (for a second time) for work that didn’t need doing in the first place!

Scarborough

An elderly (over 75 years old) Scarborough man was pressurised into paying £1750 cash but had no way of knowing what had been done or need to be done to the chimney stack. In fact, very little had been done. While in the house the “trader” stole a pair of binoculars. He reported “it was all very frightening”

Harrogate

87 year old Mr C from Harrogate was cold called and told his roof needed urgent repair. The “trader” drove him to the bank to draw out £760 which he handed over. No work was done and no contact details were left.

North Yorkshire

82 year old Mr W of North Yorkshire was recovering from a stroke when he was cold called and told he needed an urgent roof repair. The “trader” took £2400 in cash but never carried out the work. No contact details were left. When reported, the Police said it was a civil matter as some work (a couple of hours) had been done. Trading Standards said they were unable to help as the “trader” couldn’t be traced.

Leeds (A much quoted example)

In January 1997, Isobel Gray, an 82 year old woman who had live alone was found murdered in her home in Leeds. In the months preceding her death, Miss Gray’s house had been subjected to a serious of poor quality repairs by contractors in circumstances typical of bogus property repaid scams. The police believed that Miss Gray subsequently became aware she was being targeted by teams of dishonest workmen and thereafter resisted all future approaches to do work to her house. Unfortunately too many people had become aware that she kept money in the home and a bogus offender team returned just as it was falling dark intending to rob her. Miss Gray resisted the

offenders and suffered a prolonged systematic beating resulting in fatal injuries.

Quotes from offenders – taken from Trading Standards Institute Report:

“Another team may have been and done work there and found them to be a soft touch, or they have been paid in cash. They might be moving on or feel it’s risky to go back and do it again. They will sell us the house for a cut of our take, or we might give them a soft touch of our own in exchange.”

“If someone pays out cash without going to the bank to draw money you know there will be more money in there so they will be done again”

“Sometimes the old brewer would realise that we were bogey. You could see the panic coming into their eyes but they would still go along as if they thought we were genuine. When I recognised this I would have fun at their expense to see how far I could take it. Once when I was pretending to be from the council and I had taken some money and was leaving I pointed out her door was dirty and gave her an on the spot fine. I got the bit of money I missed inside.”