



Help the Aged

CONSULTATION ON DOORSTEP SELLING AND COLD CALLING

Help the Aged response to DTI consultation

SECTION 1: EXTENDING CANCELLATION RIGHTS TO SOLICITED VISITS

Question 1

Would extending to solicited visits the cooling-off period and cancellations rights which currently apply to unsolicited visits be effective in reducing instances of consumer detriment?

Yes – we would fully support this proposal. We believe that extending cancellation rights and cooling off periods to solicited visits would have a significant impact on reducing consumer detriment, particularly where vulnerable adults are concerned.

The current position is based on a mistaken assumption that if a person invites a seller into their home they do not require the additional protection of the cooling off period & cancellation rights that is currently applicable to unsolicited visits. This presumes that all companies that sell products in the home do so in a highly ethical, honourable and fair way.

This, sadly is not the reality. Several sectors that sell within the home are well known for their hard pressure sale tactics that include psychological techniques, fake competitions and sometimes bullying tactics to make a sale. These include double glazing companies and assistive living companies as detailed in the Age Concern 2002 report on sharp selling practices¹. As colleagues in Age Concern England will be responding we will not go into detail on the very valid points raised therein but offer a case study of our own to illustrate the problem.

Case study - sale of a bed and a chair

Help the Aged received a call in July 2004 from a solicitor acting on behalf of an elderly lady living at home in Reading, who was in receipt of community care services, with seriously deteriorating sight and suffering from slight dementia. She had been visited by a salesman who represented that he had been sent by the social services department. She had parted with £8,000 via a cheque which has been cashed - made out to an individual - in return for a bed & a chair. Her old bed was collected. She had also signed a credit agreement for £14,000, the standing order for which her relatives subsequently managed to cancel. On enquiry, it appeared that the company was well known to Northern Trading Standards, had operated out of a number of bases, constantly moving around to avoid both customer complaints and

¹ 'Sharp Selling Practices in the sale of assistive products to older people': Ricability on behalf of Age Concern 2002

detection by Trading Standards Officers.

To give an example in the double glazing sector, the majority of sales people are 'self employed' – they have to cover their own overheads such as petrol & their earnings are heavily commission based. This puts pressure on teams to achieve on the spot sales, which in turn encourages unethical sales practices in order to meet their targets & make a living. These pressures encourage companies to play on the asymmetry of information that exists between the company & the customer about the product value to unfairly increase their advantage.

A quote from ex double glazing company foot canvasser² illustrates the above:

"I used to be a foot canvasser for Anglian & understand about the high pressure tactics that they employ. Basically if you go back to the showroom with no leads or if the salesman comes back with no sales your job is on the line. 90% of people who say 'can we think about it' ...do so..but it is then likely to go through to a different team & your team doesn't get the money & the manager's job is on the line. The price that you go for is the highest price that you think the customer will go to, since very few people know the cost of windows, conservatories etc."

Question 2

Is it possible to quantify the likely impact on traders if solicited and unsolicited visits were treated in the same way?

Help the Aged sees no reason why consumers buying in the home should not be afforded the same rights as those buying in a shop – who are protected by their right to return it and get a full refund. If a consumer really wants to buy a product, the fact that they have a new legal right to cancel within seven days will not persuade them not to buy the product – it just gives them time to consider if it really is correct for them.

Ultimately, Help the Aged believes the introduction of such practices will lead to improvements in the sector, both for the consumer and ultimately for the industry via improvements in its reputation. Sales people with a high number of cancellations will be shown to be the ones who have used dodgy tactics that have forced the consumer to reconsider. This will in turn improve sales standards and the treatment received by the consumer.

Question 3

Is it possible to quantify the likely impact on enforcement agencies if solicited and unsolicited visits were treated in the same way?

Help the Aged will allow colleagues in the enforcement agencies to comment on the impact on them. However, from the perspective of providing advice to older people, including vulnerable adults, this move would greatly simplify the position and the simpler the position, the easier the education message is to get across.

² <http://www.guyweb.co.uk/archives>

Question 4

Could extending the cooling-off period to solicited visits create any negative consequences for consumers (e.g. loopholes to be exploited by rogue traders)?

Unfortunately, as most rogue traders operate by making unsolicited calls, this extension would be unlikely to impact on the operations of the most serious offenders (described in case studies under section 8) however within the limited sphere of their operation, we believe these regulations will only have positive impacts for consumers and will not create new loopholes.

However in order to ensure any exemptions to these regulations avoid creating loopholes Help the Aged recommends that exemptions are discussed and developed with organisations that represent vulnerable people, such as SCOPE, RNIB, RNID, Help the Aged, Age Concern, Victim Support, alongside Trading Standards and police professionals who deal on a daily basis with these traders and their victims.

Question 5

Are there practical alternatives (e.g. increased awareness, code of practice) to legislative change?

Help the Aged is not convinced that non-legislative measures would be effective in this regard.

As the intention of this proposal is to safeguard consumers who are vulnerable because of their age, disability or lack of knowledge about the product that they are being sold, against the practices of companies that are known to use unethical & unscrupulous methods, it is unclear that codes of practice would have any impact – as unethical companies are unlikely to be concerned about meeting voluntary codes, and vulnerable people are least likely to be aware of their rights, or able to assert them.

However, any legislative change is must be accompanied by an awareness campaign to tell consumers about the change.

SECTION 2 AMMENDING REG 7(2)(iv) OF THE REGULATIONS

Question 6

Would amending Regulation 7(2)(iv) to apply only in cases where a customer asks for work to commence as soon as possible and confirms that they are aware of the effect on cancellation rights help reduce instances of consumer detriment?

Yes

Undoubtedly this amendment would increase the protection afforded to consumers who are targeted by unscrupulous traders. However Help the Aged is not convinced that this change *alone* would be sufficient to prevent the activities of rogue traders, and unless tightly defined this exemption could leave loopholes for rogue traders to exploit.

However, as an additional measure, alongside a ban on cold calling, this measure could be helpful, as it would limit the circumstances in which companies could exploit vulnerable older consumers by starting work straight away.

As well as tightly defining the circumstances in which companies could charge for works commenced, Help the Aged believes there should be a requirement for companies that trade under this exemption to be registered with a regulatory body.

Help the Aged believes that this is a reasonable requirement given the fact that the purpose of the exemption Secondly that is to facilitate emergency works, and these are finite in and will mainly be limited to industries which will already be used to such regulation (e.g. CORGI registration).

We also believe that before works are carried out under this exemption, a clear statement of acknowledgement of the effect on the consumers cancellation rights, should be set out in a contract – made available in large print and other accessible formats as required – and that both parties, the customer & the trader have to sign any documentation.

Lastly we believe that consideration should be given to the value of works to be carried out and whether these amendments should apply to contracts for works over a certain value only.

Question 7

Is it possible to quantify the likely impact on legitimate traders of a more limited protection?

We refer you to our answer to question 2 above. Help the Aged can see no reason why legitimate traders should not feel able to operate within the proposed structures.

Question 8

Is it possible to quantify the likely impact on enforcement agencies of amending the legislation in this way?

Help the Aged leaves it to their colleagues in the enforcement agencies to comment on the impact on them.

Question 9

Can the amendment be made in such a way as to still provide effective protection for legitimate traders?

Legitimate traders operating under the exemption as set out would be fully protected, and those not operating under the exemption would be fully protected after the cooling off period.

Question 10

Could amendment of Section 7(2)(iv) create any negative consequences for consumers (e.g. loopholes to be exploited by rogue traders)?

Yes.

Unfortunately rogue traders often exploit regulations for their own ends. Help the Aged could envisage older people being “bullied” into signing away their rights to cancellation under this exemption. There are numerous cases of rogue traders starting works in order to pressurise vulnerable customers into paying for inferior work one of which is set out below:

Case study

Police warn over doorstep 'drillers' – news item 10th August 2004 featured on ‘This is Blackburn’ website

‘DOORSTEP salesmen have been bullying elderly Blackburn women into buying intercoms - by drilling holes in their front doors. One man starts installing the £39 product - which police warned is poor quality - while another is still giving the sales pitch. Police said this left the elderly victims feeling under pressure and afraid to ask them to stop. In the past week, 10 intercoms have been installed, mainly in the Roe Lee area of the town. In other cases, residents refused to pay - with the men leaving without repairing the holes in the door.

‘No contact number or address is left behind once the product has been installed. Detective Constable Leo Cook, from Blackburn CID, said that he had concerns about the salesmen’s actions, even though no criminal act had actually occurred. He added: “We would like to inform elderly people not to feel under pressure to buy these devices.

“By drilling holes in the door before a sale has been agreed, the householders may feel under pressure to buy something they don’t actually want.” He has passed the details to bosses at Blackburn with Darwen trading standards service who are now investigating. Two white men are involved in selling the intercoms and are thought to be from Blackpool. The first man carries out the sales patter.’

The above case study is an extreme illustration of how rogue traders exploit the current consumer law on ‘works becoming part of the land’ and use high pressure bullying tactics to make sales.

Question 11

Are there practical alternatives (e.g. increased awareness, code of practice) to

legislative change?

Please see the response to question 5 above

SECTION 3 NO GOODS TO BE DELIVERED OR WORK PERFORMED DURING THE COOLING-OFF PERIOD

Question 12

Should there be a prohibition of goods being delivered or work being carried out under a contract before the seven day cooling-off period has elapsed?

Yes.

Whilst this measure in itself will not be sufficient to protect older people from rogue traders, it would be a useful additional measure, in protecting vulnerable consumers, including not just those consumers who are vulnerable due to age or disability but also those vulnerable due to their lack of knowledge about how much a product should cost. Please see case study below.

Case study

FOUR YEARS IN JAIL – AND YOU DESERVE IT - Published in News & Star on Wednesday, August 11th 2004

A CONMAN who damaged, rather than repaired the roof of a 92-year-old woman he had duped did not receive a day too long in jail, appeal court judges have ruled. Alfred John Brown, 23 of Mardale Road, Carlisle, was jailed for four years at Manchester's Minshull Street Crown Court in April, after being found guilty of obtaining property by deception, attempting to obtain property by deception and damaging property. He received an extra six months for failing to surrender to bail. London's Criminal Appeal Court has refused to cut the four-year term, rejecting claims it was "manifestly excessive". Mr Justice Pitchers, sitting with Mrs Justice Rafferty, said this sort of offending against an elderly person was of the utmost gravity.

Targeting the elderly because of their vulnerability was among the most serious non-violence offences which can be committed, he added. On October 24, 2002, he had knocked at the home of the 92-year-old woman. Brown told her there was an obstruction near the guttering on her house and offered to clear it for £10. He climbed up onto the roof, She did not authorise the work and he later offered to replace the entire roof for £5,000, work she again did not authorise. Later examination of the roof revealed no repair work had been carried out. On the contrary, he had actually damaged the roof which would cost £1,100 to repair.

Question 13

If so, should this prohibition apply to unsolicited and solicited visits or only unsolicited visits?

The prohibition should apply to both solicited and unsolicited visits. A very limited number of exceptions would have to be made for emergency works, organised by solicited visit, with safeguards as described above in section 5.

Question 14

Is this approach preferable to amendment of Regulation 7(2)(iv) of the 1987 Regulations?

Yes – as it provides a clearer protection and would therefore be more easily communicable.

However alone this measure would not be sufficient to protect older people from bogus traders.

Question 15

If so, how should any exemptions be framed?

As discussed in section 6 above, exemptions should be in a tightly defined set of emergency circumstances, companies able to trade under exemption should be registered and a signed agreement should be signed by contractor and consumer to acknowledge the effect of starting works on cancellation rights.

Question 16

What would be the likely impact of this prohibition on the activities of bogus traders?

Bogus traders are unlikely to be affected by this prohibition as they mostly cold call, do not work in areas in which they reside, travel large distances to commit their crimes, are not looking for repeat business, leave no contact numbers, use no paperwork and would not hesitate to make up false paperwork if that suited their purpose.

Case studies

Help the Aged has been working with west Sussex Trading Standards since 2003 on a project to support victims of rogue traders by providing its community alarm service. The below are case studies collated by the project.

Mrs A

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 relayed. 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 A, an 82 year old woman who had been approached by this company and who had agreed to having her driveway re-layed. Mrs A 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 A 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 A and then helped Mrs A pay over this money.

West Sussex Trading Standards were then able to install a Seniorlink alarm for Mrs Allen as part of a partnership project with Help the Aged. This alarm was installed the same day free of any cost to Mrs Allen. Mrs A now has a Seniorlink alarm permanently.

Mrs W

Mrs W was visited by the same company as Mrs A. The company tarmacked her driveway with her consent but without a price being agreed before work started. They then demanded a much higher price than expected. Mrs W paid the price demanded by cheque and then contacted Sussex Police. Trading Standards and Sussex Police attended Mrs W's home and Sussex Police instructed her bank to stop the cheque. Trading Standards installed a Seniorlink alarm to assist Mrs W should the company return after they discovered the cheque had been cancelled. Mrs W did not receive a return call from the company.

Question 17

Is it possible to quantify the likely impact of this prohibition on enforcement agencies?

We leave this question to our colleagues in enforcement agencies.

Question 18

Is it possible to quantify the likely impact on traders if deliveries or work could not take place during the cooling-off period?

We could not comment on the specific impact, but believe that legitimate traders would not be unduly affected by such regulations.

Question 19

Could this prohibition create new loopholes to be exploited by rogue traders (or other negative consequences for consumers)?

It is clear that this regulation would require a number of exemptions, and these could potentially be exploited by rogue traders as set out in question 10 above.

In order to minimise impact on vulnerable people we believe that exemptions must be framed in discussion with organisations working with vulnerable people including Help the Aged, Age Concern, RNIB, RNID, SCOPE, Victim Support and Trading Standards Professionals.

Question 20

Are there practical alternatives (e.g. increased awareness, code of practice) to legislative change?

We refer you to our answers to question 5 above.

SECTION 4

NO PAYMENT TO BE TAKEN DURING THE COOLING-OFF PERIOD

Question 21

Should there be a prohibition of money being paid or taken before the seven day cooling-off period has elapsed?

Yes.

Help the Aged would support this proposal, as an additional consumer protection to a ban on cold calling for property repairs, and believe it should be linked to the previous proposals for a ban on works being delivered during the 7 day cooling off period.

However we do not believe this measure would be a sufficient alternative to a ban on cold calling.

Question 22

If so, should there be any exemptions?

Exemptions should apply to emergency works sold by solicited visit only, and strict conditions should apply as set out above in previous answers.

Question 23

Should this prohibition apply to unsolicited and solicited visits or only unsolicited visits?

Both, except where the exception for emergency works applies.

Question 24

Should this prohibition be introduced independently or in conjunction with a prohibition of goods being delivered or work being carried out under a contract before the seven day cooling-off period has elapsed?

It should be in conjunction with the prohibition.

There is no reason at all why a legitimate company should not be able to collect payment in the way that the vast majority of companies do – i.e. invoicing for payment & requiring that payment is made within 30 days etc.

Question 25

We refer you to our answer to question 16.

Question 26

Is it possible to quantify the likely impact on legitimate traders if no money could be taken during the cooling-off period?

We refer you to our answers to question 2 and 24 above.

Question 27

Is it possible to quantify likely impact on enforcement agencies if no money could be taken during the cooling-off period?

We leave it to our colleagues in enforcement agencies to comment on impact on them.

Question 28

Could this prohibition create new loopholes to be exploited by rogue traders (or other negative consequences for consumers)?

Yes - We refer you to our answers to question 19 above.

Question 29

Are there practical alternatives (e.g. increased awareness, code of practice) to legislative change?

No – we refer you to our answer to question 11 above. All of the practical alternatives have been explored and have not protected the consumer.

SECTION 5

BAN ON COLD CALLING TO OFFER PROPERTY SERVICES

Question 30

Would a ban on cold calling to offer property services be effective in tackling the problem of bogus traders?

Yes absolutely.

Help the Aged is the lead voluntary sector member of the Home Office Distraction Burglary Taskforce (DBTF), a group made up of key voluntary, private and statutory agencies. It was set up in March 2000 to spearhead various initiatives across the country to tackle distraction burglary, enhance relevant regulations, raise public awareness of the issue and inform the public of appropriate doorstep etiquette.

The DBTF has long acknowledged the inextricable links between distraction burglars and rogue traders, commonly known as bogus callers or bogus offenders. This was initially documented by ex DCS Brian Steele in his offender research out of which he reported that bogus property repairers would commonly take any opportunity to commit a distraction burglary offence³. The series of interview carried out with bogus offenders is key to understanding the need for changes in the law in this area and we have quoted examples from this research below.

Police report that the largest sums of money taken in single cases are from bogus property repairs and that these seem to represent the larger portion of bogus offences (taking property repairs and distraction burglaries as 2 sub sections within that group). The DBTF formally acknowledged the links between rogue traders and distraction burglars in 2003 when it extended membership to the Trading Standards Institute and the Office of Fair Trading. Due to its enormous impact on older people who fall victim to these crimes, the SeniorSafety campaign has been actively campaigning on the issue of rogue trader crime, alongside the TSI and relevant MP's since 2002.

Cold calling for selling property repairs and garden maintenance is one of the main 'fronts' used by rogue traders who target older people in particular across Britain charging outrageous prices for shoddy work or no work at all. This approach has an additional motive - to gather intelligence which can be used to target the householders at a later date, most usually via distraction burglary.

'Prop men' are the single most significant criminal element of the bogus caller network, playing on the fact that they are carrying out at least some work, however shoddy, thus enforcing the authorities to dismiss the complaint as civil rather than criminal.

In November 2002 an extensive household survey by the Trading Standards Institute found the following:

- 96% of all householders did not want doorstep sellers cold calling
- 10% of householders (2.5 million households) had experienced problems with cold callers for property repairs / garden maintenance in the previous two years⁴

³ Distraction Burglary Strategy – Leeds, 2001. Steele, Thornton et al

⁴ Door to door cold calling of property repairs, maintenance and improvements: long overdue for statutory control. TSI: November 2002.

Whilst statistically older people are the group least at risk of crime, it is well documented that the impact of becoming a victim of crime (and / or worrying about becoming one) on an older person can be far greater than that of a younger person. The consequences can include deterioration in health via the effects of the ongoing stress and trauma of the experience. This can also impact on an older person's confidence in going out, meaning a reduction in exercise, increased isolation and in many cases the ability to live at home independently.

- Older victims of burglary decline in health faster than non victims of a similar age and the impact of burglary is typically great⁵. Two years after the burglary, they were 2.4 times more likely to have died or be in residential care than their non burgled neighbours.
- 12 per cent of older people feel that their concern about crime negatively affects their confidence in going out and seven per cent feel that it negatively affects their overall quality of life⁶

Although we know that as a group, older people are the least at risk of crime⁷, we also know that certain crimes are specifically targeted at older people. These include distraction burglary and rogue trader crime -collectively known as bogus caller crime. Older people are targeted due to their increased vulnerability and / or the increased environmental opportunity for committing crime in these types of cases.

Help the Aged research

Alarmed at the degree of under reporting and following a pilot survey in 2002, the Campaign funded the first ever large scale national bogus caller survey in 2003. Overall a broadly representative sample of 3,403 people across Britain over 60 who had previously agreed to participate in telephone surveys were contacted by the National Opinion Poll and asked a range of questions on distraction burglary and the impact of crime on their lives.

Key findings from the 2003 Help the Aged research:

- Data from the survey found that 3.26% of respondents reported being approached by a suspicious caller. Based on a national 60 + population of 12,220,554, figures from this survey suggest that the potential extent of bogus caller targeting amongst this age group could be in the region of 390,000 (391,057) attempts per year (3.26% of 12,220,554).
- Bogus callers gain entry into around 180,000 older people's homes per year, steal from 122,000 of these and approach double this amount
- Nearly 40 per cent of those approached by bogus callers did not report the incident to the police
- 42 per cent felt the event was too trivial to report to the authorities
- 25 per cent of older people are not keeping their doors locked whilst at home

⁵ Experiences of older burglary victims. Home Office 2003

⁶ Bogus Caller Crime: a Help the Aged survey of Britain. NOP World, Amanda Thornton and Chris Hatton. 2003.

⁷ Crime Policing and Justice: the experience of older people. Home Office 2002

⁸ Operation Litotes, Devon and Cornwall Police, 2003

⁹ ONS, 2004

¹⁰ Home Alone: combating isolation with older housebound people, Helen McCarthy and Gillian Thomas. Demos, 2004

¹¹ Leeds Distraction Burglary Strategy, 2001. Steele, Thornton et al

- 49 per cent of older people had not been reached by doorstep safety awareness campaigns.
- Adults over 80 and men were found to be the least aware groups
- 30 per cent feel worried *some or all* of the time when answering the front door to unknown callers, women more so than men
- 23 percent of victims of bogus callers felt that worry about crime affected their confidence in going out and 16 percent felt that it affected their overall quality of life
- 10 per cent of older people reported needing help finding someone reliable to help with their property and garden maintenance

Other bogus caller statistics

- Typical profile of a bogus caller victim is female, aged 81, living alone⁸
- The UK's population of people aged 80 and over is set to rise to 4.9 million by 2031 – nearly double the 2002 figure of 2.5 million⁹
- The number of socially isolated older people is likely to increase by a third to 2.2 million by 2021 if current trends continue¹⁰

Rogue traders case studies

Help the Aged has worked closely with West Sussex Trading Standards, who referred several victims of rogue traders to a project we ran with them to provide these older victims with the 24 hour support of Help the Aged's Community Alarm Service – SeniorLink to protect them should they receive any further intimidation, as Trading Standards had intervened and agreed a more reasonable price for work carried out.

The following are some case studies from the project collated over the latter 6 months of 2003 and represent a microcosm of what is happening around the country:

Mrs R

Mrs R 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 R and spoke to the trader. Sussex Police referred the incident to Trading Standards for investigation and a Seniorlink alarm was installed for Mrs R as part of this investigation. This primarily provides assistance to Mrs R should the trader return.

Mrs T

Mrs T 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 T let them continue on the promise of a 'good price'. After work was completed, the men quoted an extremely high price. Mrs T 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 T called Trading Standards in order to ask whether the price being charged was a fair price. Mrs T 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 T was given a Seniorlink alarm in case the men returned when Trading Standards were not present to deal with them

Mr D

The homeowner (Mr D, 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 that they thought and they wanted more money. Mr B (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 D'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 D. A Seniorlink unit will be installed for Mr D.

Mr H

Mr H'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 H and then claimed his garage needed underpinning and demanded over £10,000 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 H has re-mortgaged his home in order to pay the trader. Approximately £80,000 has been paid over by Mr H for apparently very little work.

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

Question 31

If so, how should "cold calling" and "property services" be defined and would some exemptions be needed to avoid the ban applying to legitimate businesses?

Help the Aged is happy to support the proposals put forward by our colleagues in Trading Standard.

We support the view that cold calling to make appointments via telephone, should remain a legitimate activity, but we believe any visit arranged should be preceded by a letter at least 7 days before the visit. This is a normal business practice is adopted by most reputable companies

We would suggest that as a minimum agencies that deal with vulnerable people such as ourselves, Age Concern, RNIB, RNID, SCOPE, Victim support & the Trading Standards professionals are closely consulted on any exemptions that would apply.

Question 32

Would making the ban subject to certain exemptions undermine its effectiveness and the message to be sent to consumers?

As long as the exemptions were limited to certain classes of activities, the agencies suggested above were consulted on what these should be we cannot see how they would be undermined. The only way in which they could be undermined would be if the exemptions were framed in such a way open to interpretation by the private sector operating in this area whose objective is profit over ethics.

Question 33

Should cold calling (the means of contact with a consumer) by itself be treated as a criminal act?

Yes. We support our colleagues in the Trading Standard's Institute's proposals in this area full.

The cold call itself should be considered the offence, so that bogus traders can be stopped before they are able to extort money.

The message that cold calling is banned in all circumstances is clear, and should be easy to communicate.. Older people in particular would know that they would be quite within their rights to call the police having received an unsolicited visit.

This would send a powerful message to potential bogus callers.

Question 34

If so, what penalty (e.g. criminal or civil offence, custodial sentence or level of fine) should breach of a ban attract?

We support our colleagues in Trading Standards proposals of a criminal offence attracting a fine.

Question 35

Is it possible to quantify the impact of a ban on enforcement authorities?

We leave this to our colleagues in enforcement agencies to answer.

Question 36

Would a power of arrest be important to the effective enforcement of a ban?

We support our colleagues in Trading Standards proposals of a power of arrest. This particular type of offender needs to be detained. They travel large distances to commit their crimes and would have no problem in moving to another area.

Question 37

Could a ban with exemptions create any negative consequences for consumers (e.g. loopholes to be exploited by rogue traders)?

Only if the exemptions were insufficiently well-defined or too broad, or were allowed to be defined by the private sector as set out above in question 32.

Question 38

Are there practical alternatives (e.g. increased awareness, code of practice) to a statutory ban enforced by criminal sanctions?

As illustrated by our evidence, this area is out of control and the only way in which consumers are going to be protected from 'prop men' is to outlaw cold calling for this area altogether. We are of course primarily concerned with older people and are in particular concerned about the growing violence of violence used by these types of offenders for whom the absence of statutory controls make this area a rich picking ground with minimal risks.

Older people are targeted due to their increased vulnerability and / or the increased environmental opportunity for committing crime in these types of cases.

The consequences of bogus caller crimes can include deterioration in health, via the effects of the ongoing stress and trauma of the experience. It is not uncommon for victims to suffer post traumatic stress disorder and depression. This can impact on an older person's confidence in going out, meaning a reduction in exercise, increased isolation and in many cases the ability to live at home independently.

It is difficult to make generalisations in this area as some people are better able to cope with being a victim than others, however as older people tend to spend more time at home than other groups and particularly fearful of crime within the home, this crime can have devastating consequences and should not be underestimated.

One of the most horrifying aspects of it is that the victim, once identified as being an 'easy mark', will be targeted again and again by various teams of bogus callers. Interviews with bogus offenders in prison completed by ex DCS Brian Steele in the late 90's¹¹ gave an insight into their tactics.

They would boast about how, once they felt their faces were known in an area, they would sell addresses to other offenders in the criminal fraternity for a 'cut' of the 'job'. Or how they would know, having been paid in cash by a householder who had not gone to the bank, that the victim's habit, common with too many older people, was to

keep large amounts of cash in the house. One offender is quoted as saying:

"People living on their own are easier to persuade. It doesn't matter if they are a man or a woman. You can keep going back and take the money bit by bit. Trouble is we run out of patience and take too much and that's where it starts going wrong."

The above quote shows how easily these incidents develop into violence. Threats of violence, bullying and intimidation, are common tactics for these offenders.

Additional Comments

We would invite you to examine the Offender Research conducted by Brian Steele highlighted above.

SECTION 6 HIGHLIGHTING THE CONSUMERS CANCELLATION RIGHTS

Question 39

Would consumers be more likely to invoke their cancellation rights if cancellation notices are more prominently and clearly displayed in the contract and provide a clear indication of the circumstances in which cancellation rights may be lost?

Yes. However this measure must not be regarded as a substitute for legislative action, as not all older people feel able physically or mentally to pursue their rights, so further safeguards are needed.

In order to ensure that information is fully available and understood, it should be available in accessible formats and in translation. As a minimum the notice of rights should be printed in font size 14, ideally on yellow paper with black font.

Question 40

If so, how can this best be encouraged in practice? (For example, legislative or non-legislative options.)

Via legislation.

Question 41

Is it possible to quantify the likely impact on traders of providing more prominent cancellation notices?

Normal business practice is to update contracts as legislation / prices / products change. There is no additional cost implication here.

Question 42

Is it possible to quantify the likely impact on enforcement authorities of a requirement for traders to provide more prominence cancellation notices?

We leave this to our colleagues in enforcement agencies to answer.

Question 43

Could a requirement to provide more prominent cancellation notices create any negative consequences for consumers (e.g. loopholes to be exploited by rogue traders)?

No. See response to question 11 above.

**SECTION 7
INCREASED PRICE TRANSPARENCY**

Question 44

Should firms trading via doorstep selling be required to provide consumers with greater transparency on prices for their products?

Yes. We support this proposal, as an additional safeguard.

It will be important that spot checks and other measures are in place to ensure that price information provided is accurate.

Question 45

If so, how can this transparency best be encouraged in practice? (For example, legislative or non-legislative options.)

Via legislation.

Question 46

Is it possible to quantify the likely impact on traders of providing greater transparency on prices (e.g. written price lists, detailed quotes, breakdowns of cost)?

It is normal business practice for a company to produce such materials as part of their overall sales strategy. We cannot see how the trade could make a justifiable argument against this based on cost.

Question 47

Is it possible to quantify the likely impact on enforcement authorities of a requirement for traders to provide greater transparency on prices?

We leave this to our colleagues in enforcement agencies to answer.

Question 48

Could a requirement to provide greater price transparency create new loopholes to be exploited by rogue traders (or other negative consequences for consumers)?

No

Question 49

Do you have any other comments at all on any of the issues raised in this Consultation Document?

DTI
URN 04/1359