

PERTH AND KINROSS COUNCIL

TRADING STANDARDS CONSUMER ADVICE AND EDUCATION POLICY

Introduction and Mission Statement

The Trading Standards Service of Perth and Kinross Council is located within The Environment Service, Pullar House 35 Kinnoull Street, Perth PH1 5GD. Trading Standards carry out a wide range of statutory duties in the sphere of consumer protection. The legislation enforced is aimed at ensuring a fair and equitable trading environment in which responsible businesses can succeed and consumers are protected from unfair trading practices.

The service aims to: -

- Increase consumer confidence
- Improve consumer awareness
- Improve consumer protection
- Promote the concept of 'Fair Trading' by the provision of information, advice and assistance, where appropriate, on consumer issues
- Investigate complaints alleging breach of criminal trading law.
- Monitor trading practices
- Take civil action against prohibited trading practices

Core Values

The following core values underpin service provision: -

- The service will be free of charge.
- The advice provided will be impartial. It will be based upon an assessment of the rights and obligations of the consumer and business concerned. We will treat both consumers and businesses fairly and even-handedly whilst recognising that differences in bargaining power may put one side in a dispute at a disadvantage, which may justify the service acting as an advocate for that side's interests.
- The service will focus on customer needs as expressed by local people. We will analyse service usage and consult consumers, businesses and other stakeholders, as appropriate, to help us identify those needs.

Links with Enforcement

The Trading Standards Service has a statutory duty to enforce a wide range of criminal consumer protection laws. Provision of advice by Trading Standards on all consumer law issues, both criminal and civil, is vital because:

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- It deals with consumer problems in a holistic manner
- It encourages a flow of information from the general public on issues that are causing them concern. The service is then able to target its enforcement activity much more effectively by using the general public as its 'eyes and ears'.
- Consumers who are discouraged from approaching the service for civil consumer advice may not approach the service again even when criminal laws have been breached
- Consumers may not be aware that their problem includes a criminal element which can be investigated formally

Accessibility

Trading Standards will endeavour to make its advice service as easy to access as possible as far as resources permit. We will give consideration to: -

- The needs of people who live in rural areas
- The use of new technologies to improve access whilst bearing in mind the needs of those who are uncomfortable with using such technologies
- Home visits where there is a genuine need
- The need to provide an equal service regardless of age, gender, infirmity, disability or ethnic origin in line with the policies of the Council.

Partnership Working

Trading Standards is committed to working in partnership with other organisations to achieve a more joined-up approach to service delivery.

- We will lead the development of the Perth and Kinross Consumer Support Network with the aim of co-ordinating and enhancing local consumer advice provision.
- We recognise that the service is not the best agency to deal with all issues and will refer complaints and enquiries to other agencies when they are outwith the scope of the service.

- We will work closely with other Trading Standards services via the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the 'Home Authority Principle' to channel complaints to the most appropriate authority and to identify underlying issues and matters of general concern.
- We will maintain referral mechanisms with other Trading Standards Services and other consumer protection organisations e.g. Consumer Direct, Citizens Advice Bureau

Description of Services Provided

The Trading Standards Service will provide the following services: -

- **Pre-shopping advice** - the service will provide preventative advice to consumers before they purchase goods or services to enable them to make more informed choices. However, advisors will not divulge the number or nature of complaints received against specific businesses, or recommend particular traders. Some of the information held by the service is restricted by data protection legislation and some is obtained using statutory powers and cannot be passed on.
- **General Consumer Advice** – the service will answer general queries on consumer law, and provide advice to consumers who have purchased substandard goods or services to allow the consumer to complain more effectively to the business concerned. Advisers will explain consumers' legal rights, and the remedies that are available in law, as well as the practical steps that they can take to resolve their complaint. A wide range of advisory leaflets will also be provided free of charge.
- **Civil Complaints** – the service will not actively seek the resolution of civil complaints for consumers and aims to empower consumers to resolve problems themselves by the provision of advice and information.
- **Campaigning** -where Trading Standards perceives there to be a deficiency in the legal protection available to consumers we may use the most appropriate means to champion the consumer interest and campaign for a change in the law. The service will also respond to consultations affecting consumer advice and education.
- **Education and Promotional Activity** – the service will provide consumer education to interested organisations on demand and will endeavour to promote the work of the Trading Standards Service by: -
 - Regular provision of topical information to the media.
 - Talks to, and involvement with community groups.
 - Publication and distribution of in-house and nationally produced leaflets.
 - Displays and promotional events in public places.
- **Advice to Business** - In addition to advising consumers, it is also important to advise businesses of their rights and obligations when supplying goods and services to their customers.

- **Investigation of Criminal Complaints** -Advice on criminal consumer protection law is an integral part of the service's overall consumer advice provision. The investigation of criminal complaints is also subject to our Enforcement Policy, which is drafted to comply with the requirements of the Enforcement Concordat. Businesses can also suffer from breaches of Trading Standards legislation, either directly or indirectly, by being disadvantaged by competitors who cut corners. It is also a statutory duty to investigate criminal complaints. Accordingly, the service will investigate all allegations of a criminal nature, where the alleged offence was committed in Perth and Kinross, regardless of who makes the complaint.

Service Planning

The Trading Standards section produces an annual Trading Standards Team Plan. This plan is linked to The Environment Service Business Management and Improvement Plan, Corporate Plan and Community Plan.

Service Standards

Trading Standards have standards of customer service, which are specific to our consumer advice/complaint work as follows: -

- All staff will respond to consumers in a courteous, helpful and positive manner and will make their identity known to the consumer.
- Ensure that where the service is not authorised to deal with an enquiry we will endeavour to direct the consumer to the correct agency.
- Ensure that consumers are clearly advised, if in our opinion, no action is possible by anyone.
- If a home visit is required a suitable appointment is arranged.

Every criminal complaint which is to be investigated will be allocated to a named officer who will, whenever possible, handle that complaint from start to finish.

On the rare occasions where there are conflicts of interest between the consumer's interests and Trading Standards service aims, the consumer will be informed immediately and given the option of seeking advice and assistance elsewhere.

Officers will not deal with a complaint if they have a personal involvement or other conflict of interest.

When requested, we will make arrangements to meet with a consumer in private.

We will always provide legal advice in writing on request.

We will advise consumers what action we are able to take to help resolve their complaint.

We will keep consumers informed of the progress of the investigation of their complaint on a regular basis.

We will inform consumers of the outcome of their complaint once it has been fully investigated.

Confidentiality

Confidentiality is one of the fundamental principles of the Consumer Advice Service and the Trading Standards Service in general. All staff actively involved in the delivery of consumer advice have signed a declaration of confidentiality.

In general, confidential information must not be disclosed except in the following circumstances: -

- As required by law
- As authorised by the Council
- When there is a perceived danger to clients or others
- Where the referral/disclosure is made with the knowledge and consent of the client.

People Management

Relevant Trading Standards staff will possess the skills and knowledge required to meet clients' needs.

We will ensure clients get advice from the most appropriate source taking account of staff skills and knowledge.

Staff will receive support and supervision appropriate to their level of skill and knowledge.

Training will be provided in accordance with the Environment Service policy.

Commitment to Quality and Continuous Improvement

We will continue to look for ways of improving the service and will regularly assess our performance, seek feedback from service users and review procedures.

Complaints and expressions of dissatisfaction will be viewed as opportunities to identify possible weaknesses in service delivery. The service does not have a 'blame culture'. When things go wrong, it is rarely the fault of one officer and is much more likely to be a combination of factors, many of which are determined by the systems operated by the section. Where a consumer or trader makes a complaint or expresses dissatisfaction with the service, the Trading Standards Manager will be notified as soon as possible. This information will be used to examine possible action to improve service provision.

The consumer will be given the opportunity to utilise the Council's corporate complaints' procedure.

Public Performance Information

As a public service, Trading Standards believe that it is important to let the public and other stakeholders know how well we have performed, and how much our service costs.

As a section of The Environment Service our statutory performance indicator results will be published annually in accordance with Council policy.